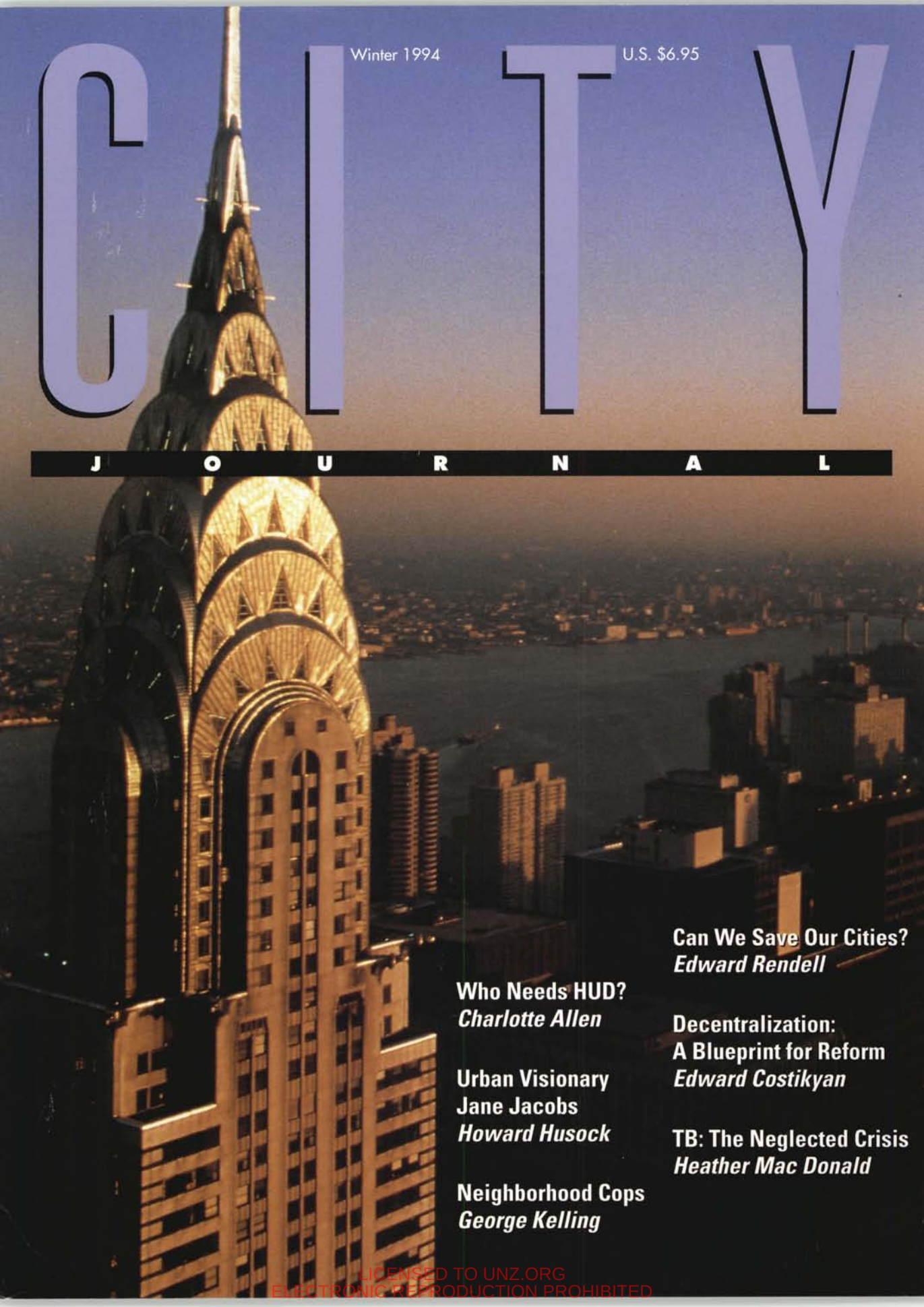

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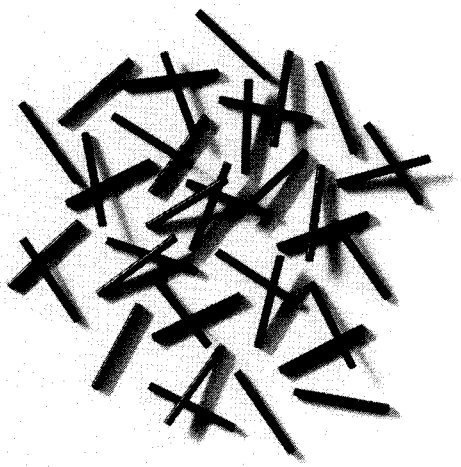
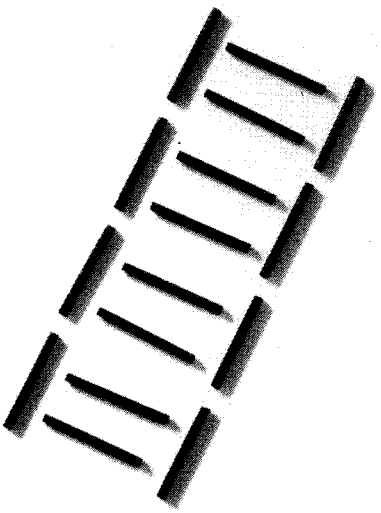


Some look at the global marketplace and see complexity.



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Howard Husock is director of case studies at Harvard University's Kennedy School of Government. His writings on housing issues have appeared in the *Wall Street Journal*, the *New York Times*, *Policy Review*, and *The Public Interest*.

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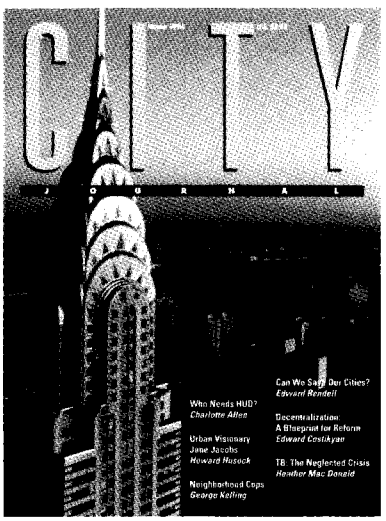
This issue of the *City Journal* comes at a turning point in New York City's civic life. The voters have just elected a new mayor—one who ran on a commitment to make fundamental changes in the governance of this troubled city. It is now Mayor Giuliani's burden and opportunity to make good on his commitment. To help him, modestly, in sorting through the myriad possibilities as he engages his agenda and sets his priorities, our issue begins with "advice to the mayor" from a panel of distinguished New Yorkers. But in a larger sense, the entire issue offers advice to the mayor and his administration.

Twenty-five years ago, Edward Costikyan argued in a brilliant and prescient article for *New York* magazine that for essential municipal services to be delivered effectively, they must be devolved from the huge central bureaucracy at city hall to the boroughs and neighborhoods. As the *New York Times* has reported, decentralization is receiving serious scrutiny from the Giuliani administration. It is with great pleasure that we reprint Mr. Costikyan's seminal article here.

Freedom from centralized management is also the theme of two more articles in this issue. In "Debbie Meier and the Dawn of Central Park East," Seymour Fliegel, a former New York City school superintendent, describes what happened when teachers in East Harlem were given the freedom to run their own schools. The amazing success of these East Harlem schools has sparked a vital movement with the potential to transform all the city's



schools. In "Neighborhood Cops," George Kelling cautions that community policing will not work unless we recast the centralized patterns of command and jurisdiction built into NYPD's structure over the course of a century.

While decentralization is imperative to make city government responsive at the bottom, clear lines of agency responsibility and ultimate mayoral accountability are also needed to make it responsive at the top, as Ross Sandler points out in "Putting the Mayor Back in Touch."

What better way to approach the seemingly intractable problems of New York than to learn from the efforts of another reformist big-city mayor? Ed Rendell, in "America's Cities: Can We Save Them?" describes how he vanquished the vested interests, balanced the budget, and improved services in Philadelphia.

Essential as all these reforms may be, any new administration will quickly discover that its plans can easily run aground in the Alice in Wonderland political culture of New York, well illustrated by three stories in this issue. Heather Mac Donald contrasts the hysterical public reaction to the asbestos "crisis" in the city's schools with public indifference attending the far more deadly and immediate peril of New York's growing TB epidemic. Richard Miniter explains how federal regulations may force upon the city a Hobson's choice between massive capital outlays and war with the upstate neighbors of its reservoirs—all to mitigate a nonexistent threat to water purity. And Walter Olson gives us yet another glimpse of the ludicrous workings of New York's judicial process as it rewards a mugger with millions of dollars because of injuries sustained in his apprehension.

Finally, putting the fundamental purposes of municipal government in perspective, is the "At Issue" feature, devoted to a symposium of scholars and political leaders on New York's quality of life.

New York, for all its problems, remains America's most vital and wonderful urban enterprise. The city deserves a more effective government, one that can make its problems more manageable and prevent them from undermining or chasing away its nonproblematical households and activities. It is in this spirit that we "advise" the new administration at city hall, as it assumes the daunting mission of governing this seemingly ungovernable city.

—The Editors

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THE NEW POLITICS OF RACE

Paul M. Sniderman

Paul M. Sniderman is a professor of political science at Stanford University. Here he describes the findings of his latest book, The Scar of Race, *coauthored by Thomas Piazza.*

Only a generation ago racial prejudice dominated the politics of race. The opposition of white Americans to government policies intended to help blacks was not grounded in a larger philosophy of government or careful study of the issues. Its basis was simple. Large numbers of white Americans disliked blacks, and, disliking them, were disinclined to support government policies to help them.

Bigotry has not disappeared, but in the minds of Americans who have long cared about the problems of prejudice and racial inequality, there is increasingly an intuition—imprecise, tentative, more often implicit than explicit—that the meaning of race as an issue in American life is changing. But changing in what ways? And to what extent? And with what consequences for the future?

It is difficult to address questions like these impartially if only because it has become difficult to talk about prejudice and politics candidly. It has become fashionable, for example, to assert that the contemporary conflict over racial policies is driven through and through by bigotry; and it is not uncommon, even for scholars, to insist that opposition to affirmative action is, in and of itself, proof of bigotry. Our aim has been to evaluate assertions like these as objectively as possible. We have taken advantage of the two systematic national studies of racial attitudes—the General Social Survey and the National Election Studies, and with the support of the National Science Foundation we have also designed and conducted our own large-scale studies, introducing a variety of new measures and procedures.

Taking advantage of the new data and measures, in *The Scar of Race* we assess the validity of many of the current characterizations of racial politics. For example, against the common claim that opposition to affirmative action is an expression of racism, we found that four out of five whites oppose affirmative action, and that race prejudice is a factor of minor importance in accounting for opposition to affirmative action. Moreover, detailed analyses demonstrate that although it is true that some whites dislike affirmative action because they dislike blacks, it is also true that a substantial number of whites dislike the idea of affirmative action so much that they have come to dislike blacks as a consequence. Hence the special irony of the contemporary politics of race. Wishing to close the racial divide in America, we have widened it.

Reducing the politics of race to racism is a mistake. Not that racial prejudice is a spent force:

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Our data show that substantial numbers of whites still hold negative views of blacks. But our analyses also demonstrate that racial prejudice no longer dominates reactions to public policies designed to help blacks. The politics of race has become complex. It no longer makes sense to speak of the issue of race, as though there were only one deep-lying political cleavage regardless of the specifics of public policy issues. There are now a number of different issues of race and the positions that people take on these issues, and the reasons they take them, can differ significantly. The politics of affirmative action is not the same as the politics of social welfare, and the politics of equal treatment differs yet again.

This diversity of responses to racial issues is the single most important feature of contemporary racial politics. If whites' reactions to racial policies were the result of how they felt about blacks, we would expect their reaction to racial issues to be more consistent. What our research showed, however, is that a large number of racial issues stand substantially on their own. For example, we found little correlation between how whites feel about fair housing legislation and how they feel about affirmative action, or between social welfare spending on behalf of blacks and busing.

The loosening of ties binding one racial issue to another reveals that whites' reactions to policies designed to benefit blacks no longer boil down to how they feel about blacks. In taking a position on an issue like affirmative action or a larger role for government in improving the living conditions of blacks, Americans are, to be sure, reacting to the problem of race. But they are more fundamentally responding to specific choices about what government should and should not do.

A deep obstacle to understanding the real place of race in American life has been the assumption, shared across the ideological spectrum, that we already do understand it. What we understand, however, is the way the world was a generation ago, the world when the politics of race turned on a conflict between bigotry, self-interest, and tradition on the one side and the highest principles of the "American Creed"—liberty, equality, the dignity of the individual—on the other. Issues of race remain partly a matter of conscience; but the politics of race has become more complex, more divisive, morally more problematic.

It matters for many reasons to recognize that the politics of race is complex now in a way it was not a generation ago, but perhaps the most important is this. Everyone has supposed that white Americans may not know, or care, much about many issues of public policy, but that on race they know where they stand. Our study documents a different reality. Unlike standard public opinion surveys, once we knew the position people took on a racial issue, we tried to talk them out of it. If they favored more government spending on behalf of blacks, for example, we presented them with a counterargument, trying to change their minds; and if they favored blacks taking responsibility for dealing with their own problems, we offered a counter argument to that position. *The Scar of Race* presents a number of detailed findings, but the crucial lesson is this: The policy preferences of large numbers of white Americans are surprisingly pliable. They are open to argument, we should emphasize, in either direction. In our experiment 44 percent were talked out of their position on the issue of government spending for blacks; 42 percent on the issue of government assurance of fair treatment in employment; 24 percent on fair housing laws, and 20 percent on affirmation action for colleges.

It has become an accepted idea that the best way—and perhaps the only way—to stir Americans to act on problems of race is to insist that prejudice remains a dominant force in American life. That has been a costly idea. It has led to the presumption that racism remains as strong a force in American life now as thirty years earlier. It has encouraged the still more misleading idea that problems of race cannot be ameliorated unless and until prejudice is eliminated. And it has legitimized a conviction that if a particular line of racial policy meets with resistance and evokes objections, the root reason must be racism. All of this is wrong, and we demonstrate it to be wrong.

Prejudice remains a part of the politics of race, but a larger part is politics itself. Social welfare policies, equal treatment legislation, and race-conscious policies represent very different policy agendas; and the impact of ideology, conflicting intuitions about fairness and responsibility, and prejudice itself varies from one racial policy agenda to another. A minimal condition for participating intelligently in the contemporary debate over race is to recognize that a variety of different arguments are under way and that they are centrally driven not by racial prejudice but by considerations of public policy. ■

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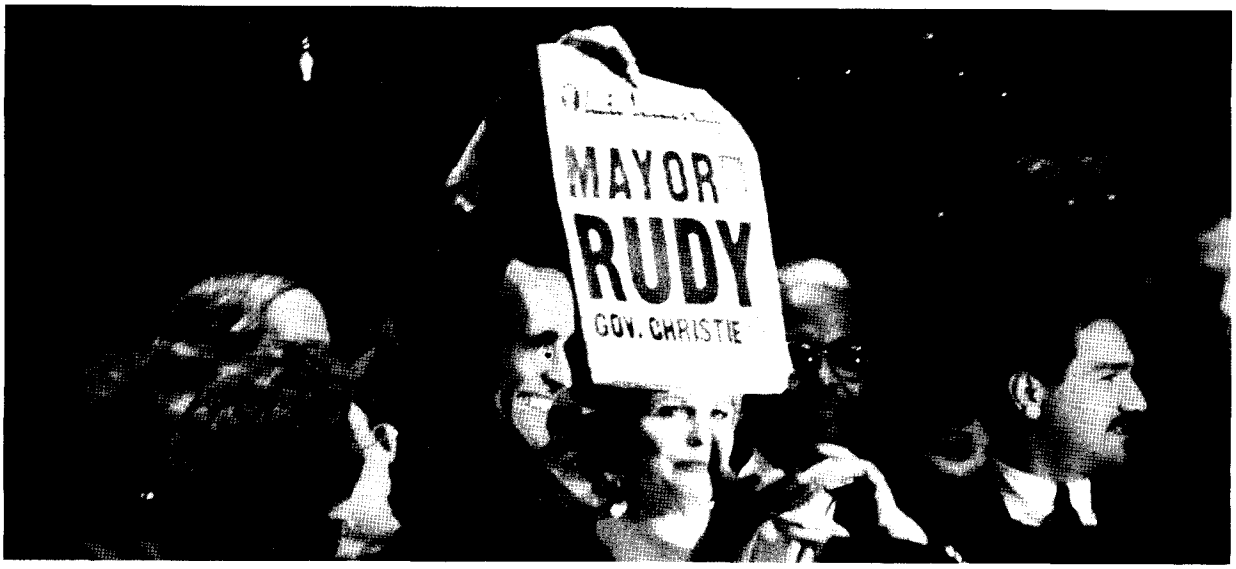
ADVICE FOR THE NEW MAYOR

As he takes office as mayor of New York, Rudy Giuliani must contend with a variety of daunting urban problems. To help the new mayor set an agenda for his first year in office, the City Journal *asked a group of prominent New Yorkers to tell Giuliani what priorities, policies, and tactics they think he should pursue.*



James Taranto/City Journal

Walter Wriston

former Chairman, Citicorp

Delta Airlines' announcement that it was moving its reservation center, together with hundreds of jobs, out of New York City is just one of the latest of such events to make the papers. Modern telecommunications make it almost immaterial where such functions are located, since all a customer cares about is a seat on a plane and the company knows that communication costs today are an insignificant component of total business expense.

The advent of the Information Age makes capital even more mobile than in the past; it will go where it is wanted and stay where it is well-treated. It will flee onerous regulations and high taxes. Since capital, both financial and intellectual, is what produces jobs, New York has to create a climate to attract capital. The high-tax, overregulated environment you inherited repels capital. It is no solution to cut a few special deals for favored big companies at the expense of the rest of the taxpayers.

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For years, many Latin American countries motivated even their own citizens to employ their capital abroad, not at home. Today, our neighbors to the south have opened their borders, adopted free-market ideas, reduced unnecessary regulations, and caused the process to reverse—capital is now pouring into Latin America and economies are booming. New York should take a leaf out of their book and start disassembling the apparatus of what is becoming the last remaining center of socialist economics in the world. This is the only way to reverse the loss of jobs and give people hope.

These problems are being attacked in other, smaller cities. The mayors of Philadelphia, Jersey City, and Indianapolis are working to attract private capital and reduce the size of government. Yours is a great opportunity to lead New York out of its self-inflicted problems and make New Yorkers proud again.

Stanley Crouch
Author,
Notes of a Hanging Judge

The media tend to dwell on incidents of racial hatred. But far more often, people of different ethnic and religious backgrounds risk their safety to help one another. A black guy is attacked by white thugs on Staten Island, and Italian guys come out of a pizza place and help fight them off. A white woman is mugged on the subway and a young black and Hispanic guy catch the mugger, bring the woman back her purse, and hold the mugger for the police. A Jewish guy's van catches fire in Brooklyn, and a couple of young black guys go into the van and save the driver's children.

As mayor, you should publicly celebrate these humanitarian acts. They are far more representative of what's really happening than the hysterical ideas about ingrained racial hostility that the media pump out.

Stephen Berger
former Executive Director,
Port Authority of New York and New Jersey

Define what your job is. Write it on a piece of paper. Say it out loud. Live *your* job description, not other people's.

Appoint three deputy mayors: for operations and management (first deputy), criminal justice, and education. The first deputy is your change agent. With luck this person has run a business. With more luck he has seen an income statement. Remember—the difference between the public and private sectors is how they view *time* and *cash.*

Put one person in charge of job creation and economic development. Make it an important position, but not a deputy mayor. Three deputy mayors, a budget director, and four thousand kitchen cabinet advisors are all you'll have time for.

Identify your three to five key objectives. You do these; someone else does most of everything else. Announce them up front and stick to them.

Hire commissioners as if you're hiring corporate CEOs with profit-and-loss responsibilities under a conglomerate. Treat them as if

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they work for you—not as if they're the enemy.

Tell the truth—nobody is smart enough to keep track of enough stories to make everyone happy. If you're going to dump on people (or organizations), tell them privately first.

If you don't get it on the table in the first three months, the junk in the cupboards becomes yours.

Finally, you have *no* friends—the mayor is the action and everyone wants a piece. The next time you will have friends is in four or eight years, depending on how lucky you get.

Charles Morris
Author,
The Cost of Good Intentions

Recovering streets and public spaces, now threatened by the violently mentally ill, must rank as a priority. Toward that end, you should convene a task force of legal experts to recommend revisions in civil commitment laws, with the goal of substantially broadening current criteria for commitment to state mental institutions and reversing the downturn in the institutional population. I believe the key criteria are legislatively, rather than constitutionally, defined. Assuming that some of them have come to be constitutionally defined, you should form a small task force of able lawyers to develop and pursue a litigation strategy aimed at reversing the worst of the relevant decisions.

You should also develop some form of triage for separating the "homeless" into the truly homeless (I believe there are a substantial number), the addicted, the mentally ill, and so forth, so that people will get the kind of help—including commitment, when appropriate—that suits their individual needs.

Margaret Mahoney
President,
Commonwealth Fund

Select what you want to do for the next four years, and narrow the list down to what you think is doable and most needs to be done.

Improving the public schools would be first on my list. Organizational expert Peter Drucker says the future of the United States lies in the knowledge industry—the ability to generate knowledge and the ability to use it. New York City's schools are not now up to the task of properly preparing future generations of knowledge producers and users.

My second priority would be to make government a facilitator, not a roadblock, to improving how things are done. Our industries, businesses, and social agencies should be encouraged to innovate—what the Japanese call *Kaizen*, a concept that is embodied in the daily life and work of Japanese organizations. New York's city and state governments often make it impossible to improve how things work—whether it's getting contracts to build or renovate approved, introducing new services, or changing systemwide processes or procedures.

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Third, even marginal but measurable progress in daily city life would be heralded: better traffic controls, definitive efforts to control begging by helping nonprofit agencies that work with street people, protecting our vast parkland, and putting more cops on the beat would all be steps in the right direction.

Richard Cornuelle

Author,
Reclaiming the American Dream: The Role of Private Individuals and Voluntary Associations

The greatest city in the world is sinking under the weight of a government that we can no longer afford and that is not working well. The most promising path to reform is the most direct: privatizing whatever city tasks can be handled better by commercial or not-for-profit organizations.

You should search systematically for tasks the city can shed without guilt, having demonstrated that they can be done better and more cheaply by others. There are promising possibilities in housing, hospitals, transit, and welfare, among scores of others.

Mortimer Zuckerman

Publisher, *Daily News*

Choose your battles for maximum impact on the city's budget and quality of life, and make a persuasive case so the public will rally behind you. In every battle, the aims must be clear, incontrovertible, and fair, and translate into tangible improvements. Here are some ideas:

Draw a bright line in negotiations with the unions representing employees in the uniformed services—the police, fire, and corrections departments. This will set a pattern that redounds to the city's good in negotiations with other unions. The uniformed unions supported you, but there should be no raises without significant productivity gains. Then, move on to revamping how the city delivers sanitation services, by inviting major companies to compete for segments of the work.

Shake up the Police Department. As the NYPD has grown ever larger (which is good), it has become increasingly inefficient. Because too many cops are manning telephones and desks, when those jobs could be done far less expensively by civilians, the department wastes a healthy chunk of its $1.75 billion yearly budget.

Give up the fight over the shape of the Board of Education, and focus instead on two critical goals: making the schools safer and more habitable. The Division of School Safety is larger than all but eight of the nation's police departments, but is ineffective and mismanaged. And the Division of School Facilities has allowed hundreds of buildings to crumble under a backlog of fifty thousand repair orders.

The city needs a radical change in how it does business. The challenges you face are difficult, but the opportunities are stunning.

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Richard Nathan
Director,
Nelson A. Rockefeller
Institute of Government

We tend to stereotype New York's poorer neighborhoods as war zones of crime and crack. But the truth is much more complicated. New York has many new "Zones of Emergence"—middle- and working-class communities inhabited by blacks, Hispanics, and immigrants. From Flushing, Queens, to Sunset Park, Brooklyn, and even Bedford-Stuyvesant and Bushwick, many New York City neighborhoods are not the stereotypical inner-city danger zones.

These neighborhoods are fragile, but they are holding out. Shine a spotlight on these areas and see how we can help them.

Mitchell Moss
Director,
Urban Research Center,
New York University

Since this is the season when everyone gives advice about what the new mayor should do, let me suggest what a new mayor should *not* do:

Do not appoint out-of-towners to run city agencies; new commissioners should already know how to get around the five boroughs.

Do not travel abroad during your first term. Many groups will suggest that you can win votes by going overseas, but New York City's population is too diverse for you to visit every homeland. Others will suggest that a foreign trip can generate jobs, but such travel is rarely productive. It's wiser to host receptions at Gracie Mansion and to participate in ethnic parades and street fairs. There will be plenty of time to travel overseas during your second term.

Do not treat the local press corps as the enemy. New York City has some of the best journalists in the nation—they're smart, resourceful, and competitive. Many columnists and reporters have spent their careers watching mayors come and go; seasoned journalists know how the city works—often better than the people they write about—and are not easily fooled.

Do not let the members of New York City's congressional delegation put their own concerns above the city's interests. The city's congressional delegation tends to be more concerned with national and international issues than with the future of our city. Make sure that this active but fractious group remembers to target money for projects and programs that will improve conditions within New York.

Harley Brooke-Hitching
President, Equities, Ltd.,
an inner-city
development firm

Review city funding of hundreds of not-for-profits, many of which exist just to fund themselves and deliver votes, without any measurement of performance.

Recognize that we small business people who provide rental housing are the backbone of housing—and of the stability of low-income neighborhoods—in New York City. Repudiate the view, expressed by the previous commissioner on human rights, that a landlord is "likely to get his money through lying, promises, intimidation, harassment, etc." That's bigotry under the flag of human rights.

Improve the policing of housing in impoverished neighbor-

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hoods, which is beseiged by drugs and crime. The city has a Housing Police force, but it is only for government-owned housing. Housing police should be available to the small property owners who pay taxes, incur a great deal of property damage, and lose good tenants due to drug dealers.

H. Erich Heinemann
Chief Economist, Ladenburg, Thalmann & Co.

There is little evidence that the city government has identified, let alone confronted, its most basic issue—the long-term structural barriers to job creation in New York City. The number of payroll jobs in the city dropped to 3.26 million in September 1993, after having peaked at 3.61 million four years earlier, a decline of nearly 10 percent. There are a variety of reasons for the city's economic stagnation. Among those that deserve your attention:

Rent control has destroyed construction jobs and reduced the supply of housing. Switching to means-tested, taxpayer-funded cash subsidies and allowing the market to determine the rate of return on investment in residential real estate would spark an explosion of building.

New York's efforts to micromanage small business through regulation have bred corruption and driven entrepreneurs to the suburbs.

Outlays per pupil by the Board of Education increased more than 25 percent (in current dollars, including capital expenditures) between 1989 and 1993, with little evidence of an increased return on the city's $8 billion annual investment in human capital. Basic reform in education is long overdue, and examples like the Mohegan School, a Core Knowledge elementary school in the Bronx, point the way.

Elizabeth McCaughey
Senior Fellow, Manhattan Institute

Read the fine print in President Clinton's health-care bill, then lobby to defeat it. The bill would deprive New Yorkers of access to the health care they need and drive employers from the city.

The president's bill provides for a system of "community rating," which means everyone in a "regional alliance" would pay the same rate for health coverage and the premiums collected would have to be stretched to cover everyone's needs—including the AIDS patient, the assault victim, and the low-birth-weight baby. (It costs $63,000 to treat a baby born addicted to crack.) People would figure out that you pay the highest premiums and get the least health care in alliances with inner-city problems. Employers, mandated to pay 80 percent of their workers' premiums, would have another reason to abandon cities.

To make matters worse, the bill would shift costs now paid partly by the Federal Government onto the local alliances. For example, the bill halts Medicaid payments for the chronically ill ($4.9 billion to New York City residents in 1991) and subsidies to urban hospitals that treat the poor ($800 million to New York City hospitals the same year). Costs taken off the federal budget are called "savings" by the Clinton adminis-

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tration, but the cost shift amounts to a new tax on New York residents and employers, hidden inside their "premiums." Universal health coverage is an important goal, but making urban residents and businesses pick up most of the tab would devastate New York's economy.

Daniel Biederman
President,
Grand Central Partnership

Rethink the city's policy on the homeless. Elected officials and homeless "advocates" seem to think that every homeless person in New York is the helpless victim of the real estate economy, Republican urban policies, and an uncaring nation. The homeless themselves dispute this. When one talks to homeless people (as employees of my business improvement districts do all day long), one finds that most acknowledge having serious personal problems. It is more practical for the city to approach the problems of this limited number of people (far fewer than the 100,000 or more the advocates claim) than to change all of society.

Start with employment programs for the homeless, as we have at the Grand Central and 34th Street partnerships. A troubled person with a job to do every day gradually becomes less troubled. Providing employment, even before drug treatment and well before housing, is the best route to reentry into society. With work-readiness training, and some continued counseling while they are employed, even those with drug or alcohol problems or serious neuroses are often ready for entry-level jobs.

E. S. Savas
Chairman,
Department of Management,
Baruch College

The bloated city government squanders taxpayers' money in scores of activities that no other city in America undertakes—municipal hospitals and housing rehabilitation are two costly examples. Stick to your campaign promise to adopt a program of prudent privatization. Bus services, garbage collection and disposal, and recycling are good places to start: on just these three services taxpayers can save more than half a billion dollars a year after gradual implementation that relies on attrition, rather than layoffs, to cut the city workforce.

Sell OTB and the city's radio and TV stations—the city has no business being in bookmaking or broadcasting. Sell unneeded city-owned land, buildings, and other property to raise cash. Auction off housing that has been acquired for nonpayment of taxes. Airports are being privatized around the world: how about selling JFK and LaGuardia? Let the Port Authority continue to operate Newark Airport and let's see who does a better job. Cultural institutions, zoos, and museums should be left entirely to the private, nonprofit sector.

Reform the city's obsolete personnel system, which gives employees both civil-service and labor union protection. Reform work rules to increase productivity, as Mayor Edward Rendell did recently in Philadelphia. Put able-bodied men and women who are on welfare in vacant, unskilled, entry-level jobs in city agencies. Pay them higher

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than minimum wage, but less than above-market municipal wages. Challenge the unions on this and challenge the Clinton administration to treat it as an experiment aimed at "ending welfare as we know it."

Joel Kotkin

Author,
Tribes: How Race, Religion, and Identity Determine Success in the New Global Economy

The "swing" voters who elected you are looking for improvements in the quality of life: the basic decency of clean streets and freedom from panhandlers, graffiti, and the other constant annoyances of city life.

A more long-term, systematic issue is making the city more friendly to small business. Avoid the mistake that moderate Republicans so often make, which is to think that what's good for big business is necessarily good for New York. What the city really needs more than anything else is an entrepreneurial revival.

Peter Cove

Founder, America Works, a job-placement firm

Make sure you get what you pay for in welfare-to-work programs. The city should pay only for results, not for the process or for the program itself.

Determine exactly how much it's worth to get a person off welfare and into a job. Then say to any organization that would like to participate: "Come to me with your plan for moving people off welfare, and if the plan sounds OK, I'll tell you to do it. But I'm not going pay you until you place them in a job and they hold it for some period of time."

Companies like mine, along with any of the existing employment and training programs, could come forward with plans. Perhaps even the Human Resources Administration and the Department of Employment would want to try it. But they wouldn't get a nickel unless they produced results.

William Stern

former Chairman, Urban Development Corporation

New York faces a great challenge from the globalization of markets and the revolution in communications technology. You and your advisors must determine what infrastructure changes and improvements, what taxation policies, what recreational and cultural amenities, and what governmental structure a twenty-first-century city must have to be competitive.

In the same way that the city's leaders early in the century understood the need for a massive rapid transit system, the city's leaders today must proceed with the steps necessary to make New York an efficient and productive place in a communications-driven world economy. The lack of conceptual economic thinking within city government for some three decades has caused many of New York's economic advantages to dissipate and left us behind in an increasingly competitive race. ■

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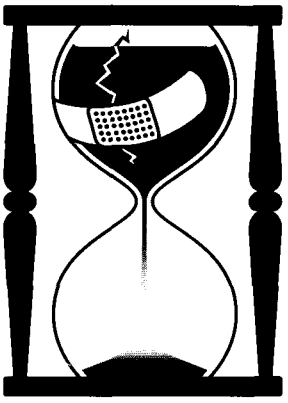
Twenty-five years ago,

Edward N. Costikyan, then a leader of the Democratic Party in Manhattan, recognized that New York's highly centralized municipal government was inadequately serving the city's residents. His solution, outlined in an important magazine article, was decentralization. Today, with Staten Island moving toward secession and New Yorkers in all five boroughs dissatisfied with their city government, the ideas Costikyan set forth a quarter-century ago seem just as fresh. The facing page shows how Costikyan's article was originally presented in the October 20, 1969 issue of *New York* magazine. We reprint the article here, with an afterword by Costikyan bringing his proposals up to date.



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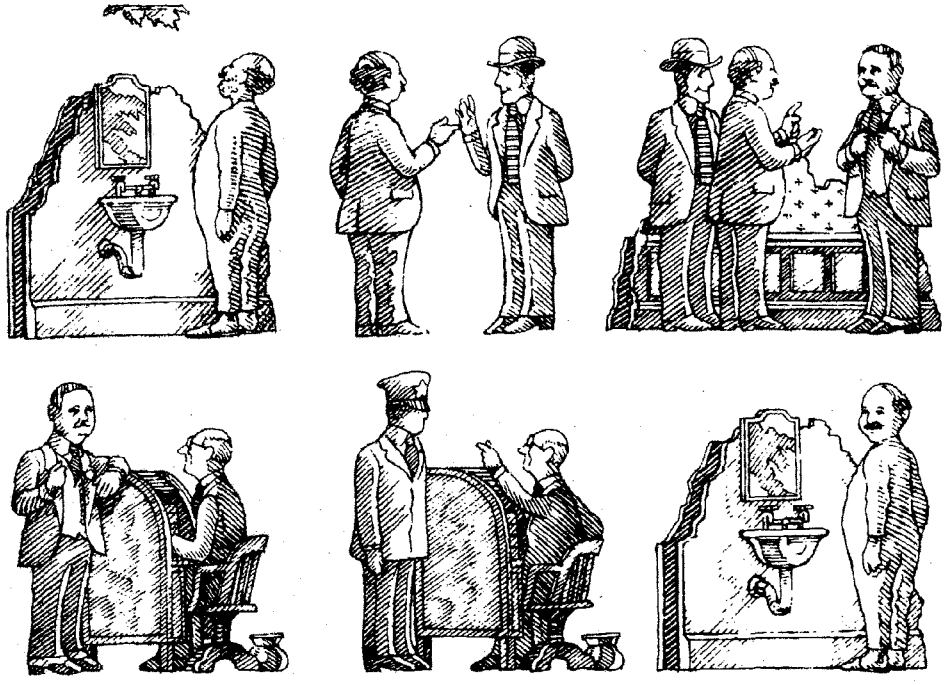

Getting a hole fixed, old style: just see your friendly ward-heeler, and don't worry about a thing.

Cutting City Government Down to Size

By Edward Costikyan

To get action on a leaky roof or a littered street, we have to slog through an administrative swamp. But there's a way out.

If New York City is to be capable of running itself, it needs a new city charter. It cannot be governed under its present charter, which is the product of outmoded concepts and unworkable theory, no longer capable of providing adequate government. In fact, because the city is ungovernable under the present division of functions and allocations of powers mandated by the charter, it makes relatively little difference who is elected mayor this year.

The Lindsay administration has not markedly changed the course of city government set in Mayor Wagner's last

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(continued from previous page)
year-and-a-half. The long-range trends—deteriorating safety, sanitation, education, and hospital establishments; growing welfare rolls and costs; a deteriorating supply of housing; an ever-increasing budget (at the rate of 13 to 15 percent per year both before and after the advent of Lindsay); an ever-increasing bureaucracy (sixty thousand jobs in the last three years)—continued without perceptible change. And so they will under the next mayor, whoever he is. For all of these aspects of city government are the result of our charter, which commands the city to be governed from the pinnacle of a centralized mayor's office by a mayor who lacks political power over the growing massive bureaucracies into whose hands management of all governmental functions has been delivered. Governing the city from the eminence of the mayor's office is like trying to swat a fly with a twenty-foot swatter.

The new charter which can make the city governable must do the following:

(1) Reallocate the functions of the present bureaucracies and governmental agencies to new and different bureaucracies and governmental agencies.

(2) Decentralize those functions of government suitable for decentralization to the smallest governmental unit capable of efficient administrative control.

(3) Retain only those functions for citywide administration which are best administered centrally and divest the central administration of the remaining functions.

(4) Create a governmental mechanism—as distinguished from the quasi-governmental aspect of the old machine—to give citizens access to government services and a voice in the decisions which affect them, enabling them to forgo the demonstration or small riot that is apparently the only way citizens can be heard on such government decisions today.

The conditions which have created the need for a new charter have become increasingly clear over the past four years. Today the suggestion that the administration of city services be decentralized is old hat. But so far, decentralization has been no more than a political slogan, a theory, a panacea. It has at times been accorded a mystical, a moral, quality. Decisions, we are told, will have more "legitimacy" when made on a decentralized basis. This is nonsense. The reasons for decentralization are pragmatic, not philosophical.

The need to decentralize is the result of the destruction of the political machine and the need to fill the vacuum created by that destruction. Three generations ago New Yorkers had an intimate relationship with city government and substantial power in dealings with it. On each citizen's block there was a Democratic captain—a long-term resident, known and accessible to all. The captain was the agent of the machine, and the machine had substantial resources. It functioned as a welfare agency—coal in cold weather, food in hunger, money in emergencies, lawyers in trouble, were the machine's stock in trade. But equally important was the machine's access to government—what I have called its power of lateral invasion into the bureaucracy.

Was there a hole in your ceiling? You saw your neighbor the captain, who took you to the leader, who called the Housing Department and spoke to one of "his" people about getting an inspector up there pronto.

Was there a problem about a license? You saw your neighbor the captain and then the leader, who spoke to the man or woman he had placed in licenses.

Was there a problem about a dirty street? You called your neighbor the captain and then the leader, who brought the problem to one of his people in sanitation.

"Who do we know in the department?" was a familiar question, regularly posed as the problem moved up the party's hierarchy. If the captain knew no one, perhaps the district leader did. If the district leader didn't, surely the county leader did.

The theorist sees in this quasi-governmental structure tremendous potential for graft and corruption. Undoubtedly the potential was there. Undoubtedly the potential was, in many cases—too many cases—realized. The theorists, seeing the potential realized, set out to demolish the structure,

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and they did. Its destruction, however, also destroyed an important arm of government and left a governmental vacuum.

The party's most important contribution to the governmental process was the access to government services which it gave to every citizen. The rich, who did not need such access, because they did not need the government services, tended to regard this access as evidence of corruption of the governmental process. But the poor who needed the government services saw the help of the neighborhood captain—and the lateral invasion of the government which he could command—as a blessing.

With the destruction of the machine, the citizen's personal access to government has been destroyed. Suppose, for example, the plaster in a tenant's bathroom has a gaping hole. The tenant tells the super (five times). Each time, the super promises to advise the landlord. Perhaps he does. The landlord does nothing. So, finally, the tenant calls city hall, which (hopefully) gives him another number to call. The functionary answering the second call takes down the data. It goes on a form. The form goes to another functionary. Perhaps it is fed into a computer. It comes out. The information is passed on from desk to desk, up the hierarchy of telephone answerers, down the hierarchy of inspectors. To try to locate it on this or that desk during the process is impossible.

Ultimately, if the complaint is in fact correctly recorded and passed along at maximum speed, four, five, six, or more weeks later an inspector is assigned to take a look. There is, indeed, a gaping hole in the ceiling. A form is filled out. Back it goes to the downtown headquarters from which the inspector was dispatched. The form is read, approved, noted, translated into a violation, moved from desk to desk, back up the hierarchy over to another hierarchy, down that hierarchy, and ultimately the landlord is notified that there is, officially, a gaping hole in the ceiling, and it is a violation of the building code. More time passes. There is a reinspection. Still a hole. Back up the hierarchy. Back down another hierarchy, and a criminal proceeding is instituted. Now over to a *new* hierarchy—the corporation counsel's office—and into court.

If, after the devotion of thousands of man-hours of government time, the landlord does not fix the gaping hole, he is fined $10.00, or maybe even $50.00. And by the time the central housing enforcement unit of city government has acted, at the tremendous cost which such *vertical duplication* inevitably involves in time and money, there are two more gaping holes in other ceilings to be dealt with.

Of course, things could be worse. One of the many people who process one complaint might be corruptible. The complaint is lost, or buried at the bottom of the pile, or falsely reported to be nonexistent. In these circumstances, the administrative maw is sufficiently complex so that usually no one can be held responsible. The assembly line method of government, with each functionary assigned his particular task, immunizes the participants in the process from accountability. And the citizen's recourse is to start the process over again, to make a nuisance of himself, to organize a march on city hall, to break the routine by some startling act.

The rigidity, remoteness, insensitivity, and insulation of the bureaucracy must be eliminated if the city is to deal with its problems effectively. To do this, some method of lateral invasion of the bureaucracy is essential. Fragmenting the bureaucracies into smaller units, wherever there is reason to believe such fragmentation will produce more effective administrative units, is what decentralization is all about.

Why, for example, should the 55,000 teachers in New York City's schools be directed from *one* headquarters in Brooklyn? Whoever suggested that the best way to clean the streets was to have ten thousand sanitation men operating out of a central headquarters? Certainly no New York City resident who ever tried to get his street cleaned would have made the suggestion.

Similarly, is there any justification for assigning street-sweeping duties from some central office? That office will never know whether the street was swept, or whether the sweeper spent the afternoon in a friendly bar (where Mayor Lindsay, on an impromptu inspection trip, once found a few sweepers).

What of the police? There are more than six

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UPI/Bettman

Mayor John V. Lindsay, New York City, circa 1970.

policemen to every election district in New York City—one to every two to five city blocks. Tell this to a New Yorker and he'll laugh at you: to get one of those six policemen he must call a number in downtown Manhattan, even if the precinct house is next door. Why?

Because, I suspect, the myth that bigness produces efficiency—a myth which permeated the business world for many years until it learned decentralization of administration was essential—still controls the thinking about government.

The trouble is that no one ever asks, "What is the most efficient administrative unit for this governmental function?" So far as the structure of government reveals, no one has ever asked that question before creating the present structure. All administrative units—schools, hospitals, police, fire, sanitation, welfare, air pollution, mental health, veterans' affairs, etc.—are citywide. As the size of a department increases, the number of administrators necessary, one above the other and all passing responsibility from one to another, increases in geometric proportion.

The administrators insulate the "line" from popular control or complaint. No small wonder the average citizen is frustrated when he seeks action. Moreover, the cost of government skyrockets as supervisor is added to supervisor, as superdepartments are created and as departments are combined, as purchasing is centralized (what you save in price, you lose in administration, transportation, storage, and loss), as government is reorganized into yet larger and even more remote administrative units.

There are many government problems which are best dealt with locally. There are some—air pollution and certain aspects of traffic, for example—which are best dealt with centrally. But today all are administered centrally and inefficiently, thus strangling a good part of the city.

Decentralization is essentially, then, a device to personalize government—to give the voter some control over the bureaucracy which governs him and to overcome bureaucratic inefficiency. Decentralization is probably the only remaining alternative to the present inadequate city government.

But the cure to the depersonalization created by bureaucratic government is not the creation of another bureaucracy. What is needed is another method of organizing the distribution of government services, and new and different agents to distribute them. None of this is possible under our present city charter. The new charter must make basic allocations of functions so that small, decentralized units are created and brought under the effective control of a single elected local administrator respon-

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sible to the voters. This would mean decentralizing most police, sanitation, local housing enforcement, welfare, highway, and traffic functions and giving those functions to the local administrators. (Potholes can be filled faster under local control than under remote centralized control, as the experience since 1962, when pothole-filling was finally centralized, conclusively establishes. Double-parking is offensive in a neighborhood, but a matter of unconcern to police and traffic commissioners downtown. Patrolling the streets is a function so rarely performed by the central police that obviously someone else must be assigned the task.)

Some aspects of city government will end up centralized and some will end up decentralized and some will end up both. Most must be financed on one level and administered on another. For example, welfare is a national problem which must be financed nationally and ultimately administered locally. Education must be financed in part nationally, in part by the state, and in part by the city, but administered locally. Clearly, whatever the service, the wedding of administration to finance on a citywide basis makes no sense.

A centralized Police Department of four thousand or five thousand men would be needed to deal with organized crime, disposing of bombs, homicide investigations and the like (it would probably have a substantial tactical force to take over protection, when needed, in a district), but the balance of police functions would probably be run by local administrators.

The Fire Department would probably remain centralized, in large part because it is one of the few departments that work well and there is no apparent reason for changing it.

The Hospital Department would probably be divided into many parts. A centralized department would retain budgetary and supervisory responsibilities for a host of decentralized hospitals, each with its own local board. The size of the area from which membership on local boards would be drawn would depend upon the area served by the hospital.

The central Sanitation Department would consist of a group in charge of garbage disposal. Street-cleaning and garbage-collecting responsibilities would undoubtedly be locally administered.

The foregoing are illustrative. No one can at this point write with confidence a thorough description of the functions which should be centralized and those which should be decentralized.

In drawing a new charter, it is necessary to decide upon the proper decentralized unit of government. While there is no rule for the appropriate size of a local administration unit, I believe that the best unit is the Assembly district. (Each Assembly district in New York City elects one assemblyman to the State Assembly. Every district consists of approximately 120,000 people; each is broken down into approximately eighty election districts, each having between five hundred and one thousand voters and normally covering one or two or three city blocks.)

The reasons for making the Assembly district a basic administrative unit are many. First, it does not require the creation of additional governmental subdivisions. Second, the number of people to be served is manageable and seems to be in accord with some British experience in local government. Third, the number of Assembly districts in the city (68) is not excessive, so that each district could be the legislative as well as the administrative unit of government. Fourth, the Assembly district is already the basic political and state legislative unit of government, and the necessity for separate city councilmen and separate councilmanic districts would be eliminated.

In addition, either the local administrator or the assemblyman (a state legislator who could easily double in brass as a city legislator, too) should constitute the new City Council. The present ineffective $15,000-a-year councilman would be eliminated and replaced by an effective, elected, full-time $30,000-a-year or more local administrator.

The Assembly district administrator in each district would have local administrative responsibility for at least the following government services: local crime control, particularly patrolling streets; cleaning the streets and sidewalks; collecting garbage; parking law enforcement; housing code enforcement; local health code enforcement; and local air pollution

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Decentralization—An Idea for Today

"Cutting City Government Down to Size" was my first exploration of decentralization possibilities for New York City. On rereading it after a quarter-century, I find myself still in agreement with most of what I wrote, although I come out differently on some of the details. The original piece was written with only a passing reference to London (of which I was ignorant at the time), and no reference at all to other world cities. I later discovered, to my surprise, that London and many other cities were governed in ways quite similar to what I proposed.

In addition, the original piece was written without access to any ideas except my own. But the article generated a whole series of studies, by the Bar Association, the Scott Commission, and the 1975 City Charter Revision Commission. In the course of these efforts, my ideas were modified by exposure to the wisdom of others. Most important was Professor Maxwell Lehman of Long Island University, a former New York City administrator and deputy mayor under Robert F. Wagner, who knew more about cities around the world and New York City government than all his American academic peers combined. Max and I became partners in developing our joint proposals to the Scott Commission and the 1975 Charter Revision Committee. The other important source of wisdom was Professor W. A. Robson of the London School of Economics, the head of the Greater London Study Group and the principal designer of London's 1965 reorganization.

Twenty-five years have passed, and some of the conditions that led to my 1969 conclusions no longer apply. First, I would not use the Assembly district as the service-delivery district in a two-level system of government. Professor Lehman and I ultimately concluded that districts with populations of 250,000 to 400,000 were optimal for efficiency and cost-effectiveness, a conclusion with which Professor Robson agreed. With 120,000 people per district in 1969, Assembly districts were too small for effective service delivery. Moreover, today's racially gerrymandered Assembly districts are wholly unusable as service-delivery districts, because they are not compact, contiguous, or convenient.

Second, the Board of Estimate is gone and some comparable entity would have to be created to perform the budgetary role I suggested for it. In addition, after writing the article, I became more aware of the feasibility of using formulas, based on the costs of the services to be delivered, as the basis for allocating funds to the districts. Such a system substitutes for political discretion some degree of discipline. But something akin to the Board of Estimate would still be necessary to administer it.

Third, the City Council cannot be abolished, as I then proposed, because state law forbids it. Nor should it be abolished. But council members could be elected from districts coterminous with the service-delivery districts to be created. The eighty-member council suggested in 1969 is too large. But if the 250,000 population criterion were observed, the council would be of a manageable size—about thirty members.

The present community board districts might become the building blocks for the new local service-delivery districts, but they would have to be redrawn to reach the 250,000 population goal and to make their boundaries as sensible as possible for providing government services. Their members would also have to be elected, not appointed, as Lehman and I proposed in 1975.

I would modify the police proposal to follow the London model, which combines central control and local enforcement. He would ultimately have a role in the decentralized education system and hospital districts (which will probably consist of more than one Assembly district).

Welfare administration must similarly be decentralized under an Assembly district administrator, but until a rational welfare system is devised it would be wasteful and dangerous to rest substantial administrative responsibility for the present system upon a new government official busy enough with other responsibilities.

If the Assembly district administrator is to be held accountable by the voters of his district for the way in which the government services are administered, he must have substantial power over the bureaucracies which he will both inherit and create. For unless he has the power to discipline his charges—by firing them, if necessary—decentralization would create nothing more than frustration for the person locally responsible for the problems.

Today, civil servants cannot be fired. The procedures are too complex, and unless an employee can be convicted of a crime or frightened into resigning by the threat of indictment, he cannot be removed from

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responsibility by making police precincts coterminous with service-delivery districts and giving the precinct commander a direct relationship with the local community.

And I would restructure the planning process, so as to restrict the central government's jurisdiction to city-financed projects and to projects that have an impact upon more than one borough. Authority over other private projects should be vested in local districts or in the boroughs.

I would also modify my original proposal regarding the Health and Hospitals Corporation by spinning off those hospitals that can stand on their own into not-for-profits, with local boards performing the functions now performed by boards of voluntary hospitals. Central supervision and budgetary control are superfluous today, given the oversight roles the state and the federal governments perform over all hospitals.

A subject my article did not address was how New York could move from the present system to the new one. Lehman and I concluded that a step-by-step process was necessary—first creating the districts, then initially assigning them a limited number of functions, such as local parks and playgrounds, local recreation programs, neighborhood preservation services, and local environmental inspection services. As they grew in strength and experience, more functions could be transferred, thus gradually reducing the functions of the central government and increasing those of the local entities. Today, I think it might be wise to transfer some functions to the borough level initially, such as parts of the planning process, as suggested above. The borough, unlike the proposed district, need not be created from scratch. How to make the transition, however, is a complex problem that requires more thought and analysis. But it can be done. London did it in 1965 with no major problems.

The public pressures for decentralization today consist of the effort to avoid secession in Staten Island and possibly in Queens and the effort to reduce the size and cost of the centralized bureaucracy.

As for the first, the devolution of some central city functions such as zoning, planning, and cultural affairs at the local level will tend to satisfy citizens of these boroughs who are dissatisfied with central city administration. In addition, as it becomes clear that the city government no longer has the resources to finance its large collection of functions, the elimination of multiple levels of administration at the central city level will become economically attractive and perhaps essential.

Moreover, the effort to privatize certain city functions will become more practicable if the governmental units are smaller. It would be almost impossible to privatize the entire garbage collection system in one fell swoop, but privatizing district-by-district or borough-by-borough might be workable.

In any event, some form of decentralization would make it easier to reduce the cost of government, because the bureaucratic hierarchies that eat up city funds supervising local services would be eliminated.

Any new effort to achieve the objectives I proposed in 1969 will require many of the details of my original proposal to be changed. But, on reflection, I think the principles and theories I outlined in 1969 are as valid today as they were then, and even more necessary.

— Edward N. Costikyan
Sagaponack, Long Island
October, 1993

office. If the city is to break the stranglehold which its bureaucracy has upon it, civil service regulations must be drastically revised to eliminate the absolute protection of job security which a jobholder now enjoys. This does not mean a return to the spoils system, for the standards of government hiring would remain subject to citywide regulation, and given the tremendous number of civil servants, no political party could replace as many as 5 percent of them, even if it tried. Finally, public accountability of public officials would require justification for wholesale discharges.

Assembly district administrators would not solve the problem of the citizen's access to and control over government, but the district offers an existing governmental structure conducive to achieving that objective. Each Assembly district is already divided into election districts. While the size of the election district depends upon the number of *voters,* not residents, the number of residents represented in each election district is roughly the same. In any event, any unfair disparities could easily be eliminated.

Since each Assembly district has an average of eighty election districts, if each election district elected a resident to serve as the block's part-time

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committeeman—who would be paid a modest salary of, say, $100 a month—the administrator would have a district committee of eighty committeemen. The committee would meet with, advise, prod, and seek action from the local administrator. The citizen would have a neighbor—elected by the residents of the election district and accountable to them—through whom he would have direct access to the man in charge of the people who patrol and clean his streets.

Therefore, on every block or two or three in the city, there would be a city official—part-time, it is true—who shares the problems of urban living with his neighbors.

This scheme of local administration would still leave a citywide government to deal with clearly citywide functions, but it would require an almost total revision of our present organization of city government.

First, the City Council would be abolished. Few will mourn its passing, for despite the efforts of a few councilmen to make it a meaningful legislative body, it has by and large been an ineffectual rubber stamp. In its place a new and larger council should be created, consisting of the elected Assembly district administrators (or possibly the assemblymen).

The budgetary responsibility for the expense budget, and possibly for the capital budget, now exercised by the council should be turned over to the Board of Estimate. The new council should in turn be vested with some powers now vested in the Board of Estimate—such as the power to review decisions of the City Planning Commission—concerning zoning, in particular. It should, however, or at least its members should, be involved in the capital budget procedure.

The Board of Estimate should become a citywide referee, allocating funds to the Assembly districts. It should also be mandated to decentralize the administration of government services, to oversee the districts and the centralized city functions as well, and to authorize the superseding of a local administrator if incompetence or corruption demands supersedure.

Ultimately, other arms of government, not controlled by the city charter, must follow the pattern established by the charter. The criminal courts, for example, centralized for the convenience of the court personnel and the lawyers, must be returned to the neighborhoods. If they were, a man arrested, say, on 168th Street might be arraigned at 181st Street instead of 100 Centre Street. The suspect could be arraigned and the policeman released for further patrolling in less than two hours instead of close to twenty, which is what is involved today.

Ultimately, education—another non-charter governmental function—must follow the decentralization route.

There will be, I am sure, resistance to these suggestions. The cries of "balkanization," "politics," "clubhouse hacks," "spoils system," and the like will be raised. The banner of the "merit system" which has produced such atrocious government will be hoisted. The hobgoblin of legally armed Black Panthers marauding the city will be paraded.

But to me the objections are not persuasive. Is there really more corruption or potential for corruption locally than, say, in the unreachable military-industrial relationship which is more and more being exposed in Washington? Is balkanization causing the breakdown in government or the remoteness and immovability of massive centralized bureaucracies? And, if the Black Panthers want to maraud the city with force and arms, they can undoubtedly get all the arms they want illegally today.

I am convinced that in the end resistance to decentralization will not prevail. The tide is running against centralized government because it has been unable to govern the city. More centralization under Mayor Lindsay has made the government worse. I think it is a matter of time as to when a new charter along the lines I have suggested will be proposed and enacted. I hope it will come within the next four years so that the administration elected in 1973 may start the city in a new, positive direction. A new departure and a new direction will be essential after the debacle which we can confidently expect between now and then, no matter who is elected. ■

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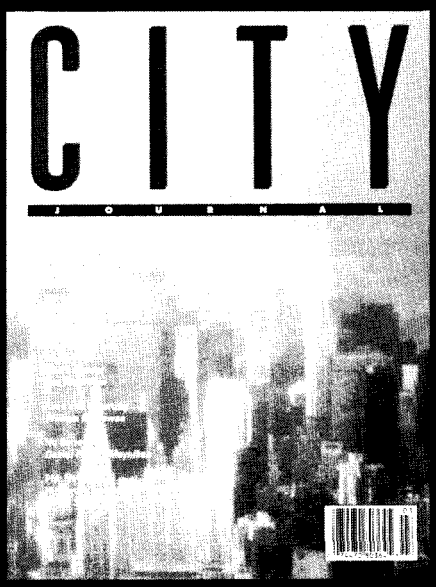

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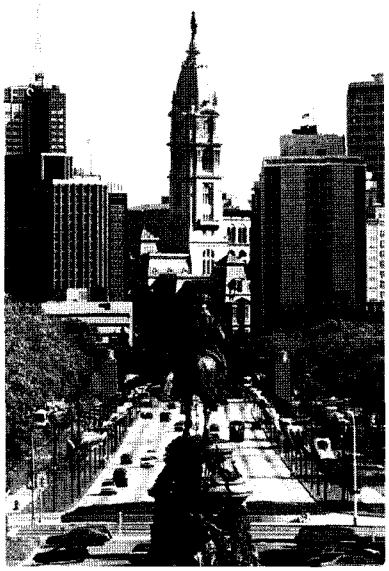
America's Cities: Can We Save Them?

Edward G. Rendell



Office of the City Representative

City Hall, Philadelphia

Mayor Edward G. Rendell of Philadelphia belongs to a new generation of mayors who are tackling urban problems forthrightly and aggressively. Elected in November 1991, he faced a fiscal disaster. But in less than two years, he was able to negotiate new labor contracts, stave off bankruptcy, eliminate Philadelphia's budget deficit, and markedly improve city services. Mayor Rendell was the honored speaker at the Manhattan Institute's 1993 Wriston Lecture, held at New York's Plaza Hotel in November. An adaptation of his remarks follows.

The day I went down to the Academy of Music to be sworn in as mayor of Philadelphia, someone handed me a copy of *USA Today*. On the front page, in the column on the left, was a little box that said, "Edward G. Rendell, former district attorney of the City of Philadelphia, gets sworn in today as Philadelphia's 121st mayor, and he faces the most horrifying municipal fiscal situation in the country." And I almost told them to turn the car around and take me back home.

When I took the oath of office, Philadelphia was running at a $230 million deficit on a $2.3 billion annual operating budget. On my fourth day as mayor we were on the brink of missing a payroll. We were saved by the last-second intervention of a judge allowing us to stretch out the payments due to the employee pension fund. Our bonds, far from having an investment rating, were graded with the least creditworthy of the junk bonds. We had gone into the credit market a couple of months before I was sworn in to try to borrow money on a short-term note; no one on Wall Street would buy a nickel's worth of that paper. The Philadelphia banks got together and loaned the city money for this six-month period, charging 21 percent in interest and fees. (Less than a year later, we borrowed the same amount of money, for the same period of time, and were charged only 4.6 percent in interest and fees.) The budget deficit was so big that, even with a wage freeze, it would have grown to $1.4 billion, or roughly 58 percent of

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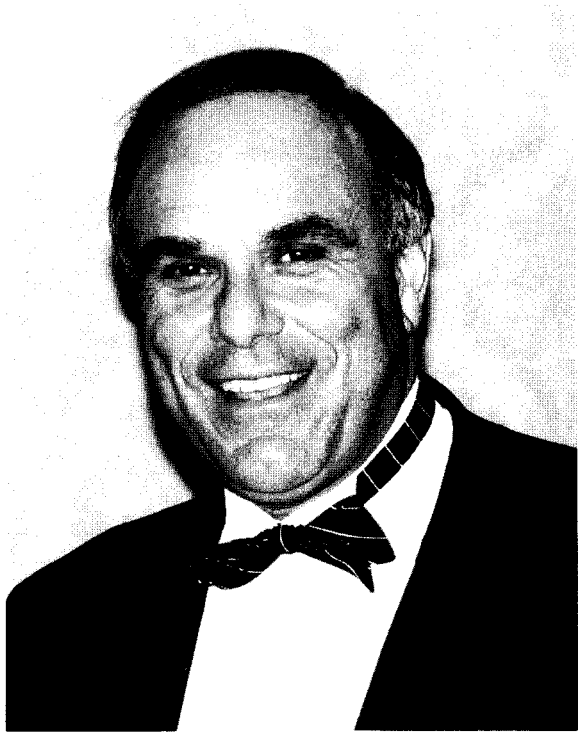
our operating budget, if nothing changed during my four years as mayor.

Under normal circumstances the first course of action would have been to consider raising taxes. We simply didn't have that luxury. Our local tax burden was already the third-highest in the United States, behind only Portland and Milwaukee. In the 11 years prior to my becoming mayor, Philadelphia had raised taxes 19 times—causing 16 percent of our tax base to leave. According to a study by the Wharton School, our wage tax alone had cost us 150,000 jobs during that period. Raising taxes would have been tantamount to shoveling sand on our own coffin, and I was determined not to do it.



Liz Hilliard/City Journal

Edward G. Rendell

We rejected the option of massive, across-the-board layoffs, because services were already so poor they were driving homeowners and businesses out of the city, and across-the-board layoffs would have made services deteriorate even further. So we were left with only one real option, and that was to cut the cost of the operation of our government. The good news is that in 18 months we eradicated a $450 million deficit, and we did it without raising taxes one penny. To be honest, it was relatively easy. I would like to tell you that I am a courageous genius, but the truth is that it was not so hard to do, because there was so much material to work with.

When I took office, our average city employee cost us more than $50,000. We were paying 55 cents in benefits for every dollar of wages. The average company in New York probably pays somewhere in the mid to high twenties. We are now in the high thirties, because we reduced our benefit package significantly. The contract we signed with our municipal unions produced almost $400 million in concessions over a four-year period—and we probably didn't do all that we should have.

More than $300 million came from savings in health-care costs alone. For members of our four big unions, we were paying on average $490 per month per employee for health care. We now pay about $360, and we still have a great health-care plan. We have the best HMO managed-care coverage that any citizen in Philadelphia can obtain, with no copayments. We still have point-of-service virtually for free. We have Blue Cross and Prudential for a small stipend for a single person and a modestly small stipend for a married person with a family. Prescriptions are covered with only a one- or two-dollar copayment. We also have a dental and optical plan with no copayments.

When I became mayor, our workers could take a total of 47 days off a year. A city worker had two weeks paid vacation—or 10 days. He also had 20 sick days and 14 paid holidays, including some you have probably never heard of. And because we have Good Friday off, we have three administrative leave days that any employee can take at will so that Jewish employees can have the three major Jewish holidays off. That makes 47 days—and we haven't even begun to talk about our funeral leave policy.

We reduced the paid holidays from 14 to 10. Last Tuesday was the first Election Day in more than

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a half-century that hasn't been a paid holiday in the City of Philadelphia. And these aren't just productivity issues. About 40 percent of a city workforce has to work on holidays anyway, so they get paid overtime. For each holiday we eliminated, we saved about $2.7 million in overtime. Everyone said what a mean and rotten guy I was during these negotiations, but I said that I thought that our city workforce could overcome the emotional stress of being away from their families on Flag Day.

We also went after our disability system. Our workers could get a partial pension and worker's compensation at the same time. Our disability system paid them more for not working than for working. We had frequent cases of double-dipping. We had some famous cases, like the one the *Philadelphia Inquirer* broke in which a man claimed he was injured at work when he slipped on some ketchup during lunch at a seafood restaurant. He claimed this was work-related because he was out with two other employees of his department discussing business matters. He wound up getting an award from the pension board of well over $1 million.

In 18 months we eradicated a $450 million deficit, and we did it without raising taxes one penny. To be honest, it was relatively easy.

The city's benefit package was totally out of control. So we negotiated a thirty-month wage freeze and we got many concessions from the unions on benefits. Why were we able to do it? For two reasons. First, people were fed up. Second, from the day I took office, I never stopped communicating two facts: that we were out of money and that the benefit package, when compared to what the average Philadelphian gets, was outrageous.

This worked enormously well. Every citizen, from every segment of our public, was convinced that we were out of money. I often said to people, "Look, I wish we had money, I wish we could do something for our workforce, just like I wish we didn't have to cut the budget and reduce some services. But we don't have any money, and we can't print it." And I would tell them, "I would also love to wake up tomorrow morning and look in the mirror and say, 'Gee, I am going to comb my hair in a pompadour today.' But that is not likely to happen, and neither are we going to find any money." People understood.

They also understood that the benefit package was out of control. During the negotiations we were visited by virtually every leader of every national union in the United States, and they weren't friendly visits. But it didn't affect me one bit—not because I am equipped with an extraordinary amount of courage, but because the local private-sector unions never said boo. Their workers knew that city workers were getting benefits that far outstripped their own. Their workers knew that if we didn't do something they were going to have to pay the tab.

The municipal unions tried virtually everything they could to stop us. They ran television ads against privatization that showed people being fired and a father coming home saying he wouldn't be able to feed the family anymore. They claimed that we were only going to privatize blue-collar jobs when, in fact, we have privatized as many white-collar as blue-collar services in the 21 months I have been mayor. They made unabashed appeals to race, with ads that said Mayor Rendell and his advisers are a bunch of white guys in suits who want to take away benefits and jobs from poor, hardworking blacks. But all that fell on deaf ears, because black citizens of Philadelphia were fed up with paying higher and higher taxes and seeing union workers get benefits that they could barely dream of.

So demanding concessions from the unions really didn't take that much courage. They went on strike, but in 16 hours the strike folded, and the unions signed the most concessionary contract in the history of Philadelphia. We didn't ask for any salary

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cuts, but we negotiated a contract that gave no salary increases for two years.

All along I had made the point that we weren't going to balance this budget solely on the backs of our workforce: everybody was going to have to bear part of the burden. Everyone I appointed to a management position took a 5 percent pay cut, and so did I.

We created the Mayor's Private Sector Task Force on Management and Productivity. In my first year in office, three hundred executives were loaned to us. They worked either full- or part-time in the city's departments, coming up with ideas for saving money and improving services. I cannot overestimate the value of this task force; it saved us a ton of money in a number of ways.

In the first year we privatized 15 different functions, and we have 15 more on the drawing board now. With those 30 we will save about $34 million a year. Privatization has not proven nearly as hard to do as everyone expected. And it is more than just a money-saver: in almost every case we are delivering a better product to the citizens of Philadelphia.

Then we took a look at our vendors. During the campaign, when I announced our five-year recovery plan, I said that we would seek at least a 5 percent reduction in the cost of doing business with all vendors that were in a no-bid system. And we did. Law firms that do business for the City of Philadelphia must cap their fees in advance. Some firms decided they did not want to cap their fees; we moved to other firms. As for investment bankers, we do not pay them just for being part of a bond issue. They get paid when they go out and sell, and if they do an excellent job, they get more work the next time. As a result, when we went into the bond market in June to take advantage of the interest rates and refinance, we sold $15 million in bonds at about 6.38 percent interest, even though our rating is still one level below investment grade. The City of New York, which has a fairly stable credit rating, sold $15 million in bonds the same day at 6.27 percent interest.

So we have done very well, because we have put heat on the people who do business for us. Vendors of a major city have a tendency, intentionally or not, to look upon the city as a fatted calf. This is because most of the bureaucrats who deal with contracts don't care. They take the "OPM" approach—it is other people's money. Also, the relationship between vendor and government is often a relationship between contributor and candidate, and the vendors do not believe the candidate will do anything detrimental to their interests. And government has never applied sufficient personnel to oversee their contracts.

We created an Office of Management and Productivity for the first time in the City of Philadelphia, and made it responsible for overseeing our vendors. We examined every single contract we had, and we saved millions of dollars. During my second month in office, the Office of Management and Productivity caught something unbelievable: we had a year-to-year lease for a Grade C building that housed our Department of Public Welfare. We were paying $32 a square foot. That may not sound like much in New York, but in Philadelphia you can get space in the newest, highest, most architecturally dramatic building for about $27 a square foot. We went to the landlord and said, "Unless you renegotiate our lease we are out of here." And we renegotiated that lease for $8 a square foot. Better still, we renegotiated every single lease we had and, except for one, renegotiated them downward.

The Office of Management and Productivity also looked at things like outside insurance for city businesses. We have something called the Philadelphia Parking Authority—don't ask me why—that operates garages and parking lots, and that requires a lot of property and casualty insurance and worker's comp. In the past the mayor's favored broker got the contract, found a national company to write the insurance, and the city paid whatever it asked.

We decided we were going to introduce a little competition into the process. We asked the mayor's *three* favorite brokers to find us a company that would quote us a good price. The low bidder in this competition came in $1 million under the previous year's quote for the insurance. That bidder won the contract and handled our claims so effectively it saved us another $1 million.

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But the most amazing part of the story is that the incumbent firm, which had the good sense to contribute to my campaign and therefore was allowed to bid again, reduced its bid by $750,000 compared with the previous year. You know they were not going to take a loss on the new bid, or they would have just dropped out. So the year before they had ripped the citizens of Philadelphia off for three-quarters of a million dollars.

We also went after collection of revenue. In this fiscal year, we collected about $42 million more than we did last year by better collection of fees and taxes. And we started taxing people who had never paid the taxes they owed. If we wanted to avoid raising taxes, we had to make sure that everybody paid their fair share.

About 18 percent of the companies that were doing city business, particularly in construction, didn't even have a business privilege license, never mind paying taxes. Lawyers and doctors who routinely came into Philadelphia to practice and make big fees paid no taxes. We found one doctor who came in from an office in Montgomery County to one of our eye hospitals twice a week, forty weeks a year, to perform cataract operations. According to our best estimate, he made about $2.2 million for those eighty days in Philadelphia and didn't pay one nickel of taxes. He does now. Be assured that we also taxed accountants, lawyers, and visiting athletes. We routinely took out Philadelphia wage tax for, say, the eight days a plumber spent working on our new convention center, and nobody ever complained about that. Darned if we were going to take our wage tax away from plumbers who make $28,000 a year and not take it from baseball players who make $7.5 million.

Lastly, if you examine the operation of government, there is no telling how much money you can save in the area of productivity and management. We didn't do something as plain and simple as use nine-digit ZIP codes on our mail, but we do now. We didn't have an effective means of getting Medicaid reimbursements for people who used our district health centers. Now, before you get treatment, you must fill out a form to apply for Medicaid. As a result, we will recoup about $6 million of additional revenue this year, and somewhere between $12 million and $15 million in the next full fiscal year. It is unbelievable how many things like that there are to do.

We also changed our management rights, our work rules, and our past practices. One notorious result of our union rules was that it took three people to change a light bulb at the airport: a mechanic, an electrician, and a custodian. We had union rules that banned "working down," so that if you were a tractor-truck driver for the City of Philadelphia, and you came in to work and your truck was in the shop, we could not force you to drive a smaller truck whose driver was out sick that day. Instead, you sat and collected your salary while the smaller truck stayed idle.

We couldn't use volunteer workers. The Pennsylvania National Guard cleaned and sealed crackhouses in Harrisburg and wanted to do it in Philadelphia, but the union said that under the contract the Guard was barred from coming in. I am happy to tell you that two months ago the National Guard cleaned and sealed its first crackhouse in Philadelphia, and it is going to do more than a thousand this year.

We have tried to change the culture of the city's workforce, too. Civil service and union rules had robbed city workers of every ounce of incentive in doing their daily jobs. We have tried in every way we can to put incentives back in. Let me give you just one example. Most city departments complained that things were so tight in city government that they never had money to buy the things they needed to do their job better or to save money. So we took $20 million and instituted something called a productivity bank. We have a loan committee, just like a bank, that reviews applications from the departments. But the rules are that in five years you have to save double the amount you borrowed from us, and during that time the department must pay the money back, with interest, out of its own budget.

The results have been staggering. Our Revenue Department borrowed $5.8 million for a new pack-

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age of computer software, which this year alone is going to net $9 million in increased collections. Our Streets Department borrowed $350,000 for energy-efficient lamps, and this year alone they are going to save about $740,000. The Streets Department also borrowed $800,000 for a computer system to allow it to deploy sanitation trucks more intelligently. They will save $4 million in overtime and eliminate six middle-management jobs.

The great thing is that, apart from repayment of the loan and interest, the savings are kept by the individual departments. It has our people really thinking about ways that they can improve their departments. Privatization has them on their toes, too, of course, because not only do city workers lose their jobs when we privatize, but managers do, too. All of a sudden people are thinking about how to save money, because it's no longer just other people's money—their own jobs are at stake. We have put cost-saving and performance incentives back into the city government.

All of those things are necessary and important, and we have done a very good job. That's the good news. But there is bad news facing Philadelphia and every other American city, whether or not they have done what we have done.

I often use the analogy that I was elected to be the doctor of the city. And on January 6, 1992, I found a very sick patient suffering from two ailments. The first was a serious cancer that would become fatal if it didn't receive good innovative treatment. The second was a gunshot wound to the chest. Like any good doctor, you treat the gunshot wound first, because if you don't, the cancer is academic. It took us 18 months to treat our gunshot wound, and the good news is the patient will survive. The bad news is that the cancer remains unabated. The cancer is the terribly debilitating loss of tax base and jobs faced by this city and every other American city. It used to be just the older northern and midwestern cities, but today the cities that are hurting the worst have names like San Diego.

We are all suffering from the same problem. We have hundreds of thousands of citizens who were born into single-parent families. In many instances, that single parent, although perhaps a loving parent, was addicted to heroin or crack and totally unable to provide children with any sort of motivation. Many of these children wind up with foster parents, who in many cases, though not all, see the child as just an income producer. Teachers from all over our school system tell me that kids routinely come to class beaten, sick, or hungry. Teachers have told me that they will dip into their own pockets to buy their kids food on the morning of state or national testing, so the kids don't have to sit there for three hours thinking about how hungry they are while taking tests that are important to their future. By the time these children reach middle school, they are dead on arrival. Their basic skills are so far behind that they can never catch up. In our school system we bump kids up and up and up, because we leave no one behind, and by the ninth and tenth grades many kids are gone.

What does that produce? We have kids today in Philadelphia who use automatic weapons to mow down a mirror image of themselves in disputes over a girlfriend. When a person doesn't place any value on his own life, he surely doesn't place any value on the life of the person staring across the barrel of the gun. They place no value on life because they have no hope.

Now, we have prided ourselves in Philadelphia on curing the bullet wound. We eliminated that budget deficit without raising taxes, and we did it ourselves. We didn't go whining to Harrisburg or Washington about not getting enough help. One, because the whining ceased to work; two, because it was a cop-out; three, because it diverted your energy. We took all of our energy and dealt with our own problems.

And we are going to do the same thing with this cancer. We are going to try to develop the city economically. It is my goal within the next year-and-a-half to begin a slow and steady reduction of taxes in Philadelphia. We must reduce our business, wage, and real estate transfer tax. We are faced with all the problems of a global economy and a national recession; we can't further burden ourselves against our most immediate competition, our sub-

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urbs and South Jersey, by being the most heavily taxed city in the area.

We are going to be business-friendly. If a business makes a request and we can do it, we will get it done in record time. But that is not going to cure the cancer. Unlike the bullet wound, I could be the best mayor in God's creation and have the best people working with me and we won't, on our own, cure the cancer.

In my judgment, there are only two ways to cure the cancer. First, we need to seriously look at metropolitan governments. There are three good examples of metro government in North America: Toronto; Portland, Oregon; and the twin cities of Minneapolis and St. Paul. Real metro government means sharing taxes. The cities and the suburban towns and counties keep about 60 percent of their own taxes and put 40 percent into a pool that is distributed by a metropolitan government made up of the leaders of the counties and cities, according to common problems and the needs of each locality. Unless we do that, it is going to take a miracle to save American cities.

Second, the Federal Government must get back involved. Do you think the government of France would let Paris deteriorate the way New York City has? Do you think the Dutch would let Rotterdam decay the way we have let Newark and Detroit decay? Not on your life. It is time for the Federal Government to do something for cities. I am not talking about revenue sharing or massive handouts; I am not talking about Great Society programs. I am talking about simple things that can help us. I've got a lot of ideas about how the Federal Government can help us without spending a lot of money.

For example, the recent budget reconciliation bill created empowerment and enterprise zones. But Congress, in an effort to lessen the burden on the federal budget, provided no more than modest incentives for business to move into such zones. Without spending any additional money, however, there is a way to provide an incentive that will have companies virtually falling over each other to locate in the zones and hire indigenous workers. We simply have to amend the legislation to require that 10 percent of all federal procurement must be from firms located inside the zones. This would have a dramatic impact and go a long way toward leveling and even tilting the economic playing field in favor of American cities.

We ought to do things like these for two reasons. First, because it is the right thing to do—most of the people who are trapped in the hopeless situation I described are there through no fault of their own and deserve a chance. Second, because it is in all our interest to help the cities.

Consider a tale of two cities: Los Angeles, and a city in Latin America. You all know about the riots in Los Angeles. After those riots, the street gangs who caused most of the trouble were saying that next time they weren't going to riot in South Central, they were going to go up into the hills—to Mulholland Drive, Bel Air, and Beverly Hills.

There is a city in Latin America that has one of the most beautiful golf clubs in this hemisphere. This club is surrounded by a ten-foot stone wall with barbed wire. Airplanes land right in the club, and visitors are told not to go into the city.

But a friend of mine rented a car and went to the city. It was right at ocean level, surrounded by beautiful hills. He drove up into the hills and saw houses worth millions of dollars, surrounded by armed security guards carrying automatic weapons. Finally he stopped and asked one of the homeowners, "Why are all these men here with weapons? Is something special going on?" The homeowner said, "No, we hire them to keep the people down in the city from coming up into the hills." And down at the bottom of the city my friend found some of the worst poverty imaginable. People literally ate mice to stay alive.

In Los Angeles, the street gangs say they are going up into the hills. In Latin America, they hire private security guards with automatic weapons to keep people from going into the hills. I don't think we want to see America become like that. It is imperative that all of us help cities cure that cancer. ■

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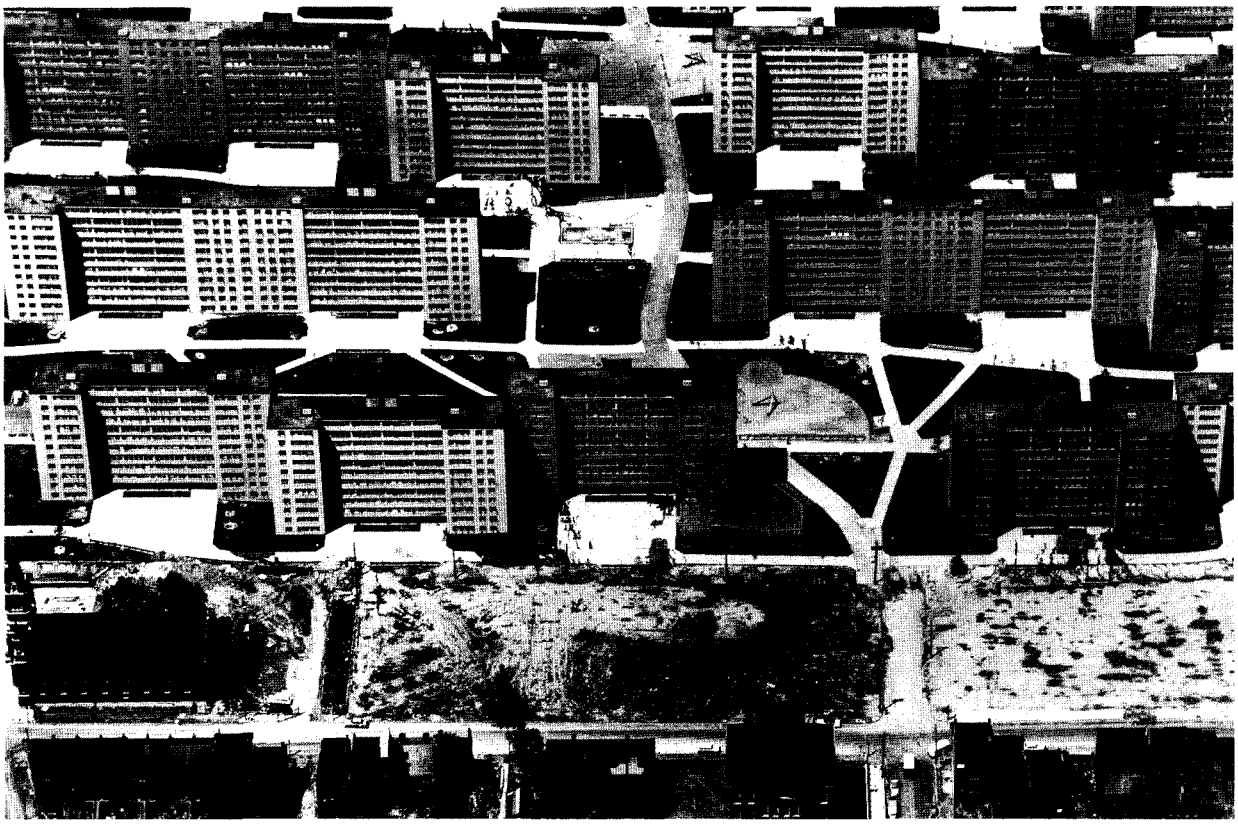
HUD: Who Needs It?

Charlotte Allen



UPI / Bettmann

The Pruitt-Igoe project in St. Louis, opened in 1955 and demolished in the 1970s.

The Federal Government has been involved in the housing market for more than a half-century; its policies have been a litany of costly mistakes. It is time to reconsider the government's role in housing.

Henry Cisneros assumed his position as secretary of the Department of Housing and Urban Development in early 1993 as one of President Clinton's bright New Democrats: dapper, articulate, and ready for change. The 46-year-old former mayor of San Antonio, Texas, probably the nation's best-known Hispanic politician, even had kind words for his populist/entrepreneurial predecessor, Jack Kemp, who had pressed for selling off the nation's public-housing stock to its tenants.

But during the summer, Cisneros abruptly defunded Kemp's tenant-ownership program (called Homeownership and Opportunity for People Everywhere, or HOPE) and transferred much of its remaining fiscal 1993 budget—some $300 million—into a new Urban Revitalization Demonstration program. The new program is an about-face from the privatization Kemp had intended; it simply pours more federal money into some of the nation's most noisome and dilapidated projects. "One

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of my highest priorities as HUD secretary will be to reverse decades of misguided federal housing policies and deal aggressively with the dozens of severely distressed public housing developments that blight inner-city neighborhoods and harm low-income residents," Cisneros declared on August 26.

The $300 million was actually just a drop in the bucket for the nation's 1.4 million units of public housing, which consumed $6.2 billion in federal operating and modernization subsidies—almost one-fourth of HUD's total $25.1 billion budget—in fiscal 1993. While housing authorities in smaller cities and even a few large cities such as New York operate their low-income properties in a creditable fashion, housing projects in most urban areas—Chicago, Philadelphia, and Washington, D.C., to name a few—are notorious financial and social sinkholes, plagued by vandals, drug dealers, drive-by shooters, featherbedding managers, and non-paying tenants. Indeed, the 21 local housing agencies that HUD classifies as "troubled" (meaning they tally 59 or lower on a 100-point scorecard) manage 18 percent of the nation's public housing stock and consume 25 percent of HUD's operating-subsidy budget.

Big cities and troubled housing agencies seem to go together. Vacancy rates are so high in many inner-city projects that it is clear even the poorest of the poor would rather live anywhere else. Furthermore, because of federally mandated union-level pay scales and layers of environmental and antidiscrimination regulations, it costs almost as much to build a new unit of public housing as to buy a similarly sized condominium at retail.

Public housing, especially in large urban areas, is only the most spectacular and money-consuming disaster in the litany of failure that has characterized federal housing policy since the 1930s—long before there was a HUD—when the Federal Government first decided to intervene in the nation's housing market.

During the New Deal, Congress set up a system to produce dwellings for the poor—public housing—and a system to assist the middle class in attaining homeownership—the mortgage insurance program of the Federal Housing Administration (FHA). Both endeavors worked fairly well for a while. Then mounting costs, layers of regulation, and civil libertarian excesses ruined public housing. Meanwhile, the Federal Government began to use the FHA mortgage program to entice the private sector into the low-end housing business. In the 1960s, the government decided that a cabinet-level housing agency could help solve the economic and social problems of cities—hence the creation of HUD in 1965.

The result has been a plethora of programs and mini-programs, almost none of them successful; periodic scandals; and a financial mess. The FHA mortgage program, which was once completely self-financing and even operated at a surplus, is now a drain on the Treasury. Reports issued by HUD's inspector general's office in 1993 reported a net loss for the FHA of $6.8 billion during fiscal 1992. Another $11.9 billion worth of FHA-insured mortgages, mostly on low-income apartment buildings, are likely to default soon, the inspector general's office reported. The $18.7 billion total could well generate a crisis on a par with the savings-and-loan debacle of the late 1980s. For all the money it consumes, HUD manages to serve only about 4.5 million poor households—about 29 percent of those it estimates need help with housing. And although HUD's record at solving housing problems has been decidedly unimpressive, the department has spread itself thin, taking on a host of other social missions not directly related to housing.

The problems with HUD transcend differences of political party; there have been as many misguided programs under Kemp and his Republican predecessors as under any Democratic administration. It is time to ask whether the maintenance of a ponderous, Washington-based department employing more than 13,000 people is really the best way to serve the nation's housing needs. Such a reexamination is especially appropriate right now, when there is no housing shortage in America, but rather a glut that has depressed real estate prices. As of 1990, there were 102 million housing units and only 93 million households in the United States, according to census figures.

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HUD is a quintessential creature of the Great Society era, a time when the revitalization of inner cities via infusions of cash seemed a plausible, even cutting-edge, idea. At President Johnson's prodding, Congress elevated, changed the name of, and added an urban-development component to the Housing and Home Finance Administration, an independent federal agency dating from 1947 that used to operate the public-housing program and supervise the FHA, which had been created in a 1934 law.

Like other ministries of the Johnson era and beyond, HUD occupies a massive headquarters building in a glass-and-cement wasteland on the far side of the Washington Mall. Ironically, the entire lifeless tract was once a residential neighborhood, obliterated in a spectacularly unsuccessful urban-renewal effort of the 1950s. The HUD building, designed by Bauhaus émigré Marcel Breuer, is particularly depressing: a ten-story double row of modular concrete boxes shaped into a curved X, like a rogue chromosome. HUD's constituency—that is, its regular lobbying platoon—is a mixture of state and local housing officials, urban mayors, building-trades unions, and the construction, mortgage-banking, and real estate industries.

"The whole idea of the thing makes no sense at all," says Hugh Heclo, a professor of American politics at George Mason University. "In the 1960s, there was this idea that you were actually going to solve the problems of the cities, but they stuck it all into a housing agency. That was the fundamental flaw, because it meant the housing industry was the only constituency that was supposed to take care of all the problems."

The Decline of Public Housing

For decades, the core mission of federal housing policy was the construction of brand-new housing. Before the 1930s, the urban poor lived in crowded and dilapidated slums, and the prevailing theory was that slum housing itself was the cause of poor people's health and social problems. The 1937 Housing Act originally required the demolition of a unit of substandard housing for every new public housing unit built. The act would also stimulate the construction industry, always an important secondary goal of federal housing policy.

Under the original 1937 scheme, the Federal Government's sole financial responsibility was to underwrite the new projects' land and construction. Washington subsidized bonds issued by local housing authorities, which used the proceeds to design and construct the buildings. (Later, the authorities began contracting with private builders to do this work.) Tenant rents—low because there were no construction costs to be capitalized—were to cover all operating expenses. The local housing authorities that managed the projects had broad discretion to set qualifications and rules for tenants. They tended to be firm, screening out all but the respectable working poor; recipients of public assistance were generally not welcome. In New York City, for example, grounds for refusing tenants included unwed cohabitation (though long-term common-law marriages were permissible), having a family member on the verge of release from prison, and even sloppy housekeeping. (New York still tries to screen for responsible tenants, but now must comply with a host of civil libertarian restrictions.) Failure to pay rent was grounds for immediate eviction, and it was easy to get rid of noisy and destructive tenants without worrying about lawsuits.

The golden age of public housing vanished soon after World War II. By the late 1940s, Congress had taken a far more expansive view of housing policy, seeing it as a cornerstone for the transformation of urban life. A major new federal law, the 1949 Housing Act, contained a teleology—"a decent home and a suitable living environment for every American family"—that lawmakers have restated in almost every federal housing statute since then. All that has changed over the years is the prevailing notion of what a "decent home" means—nowadays "substandard housing" even includes technically "overcrowded" dwellings in which a married couple doubles up with one spouse's parents.

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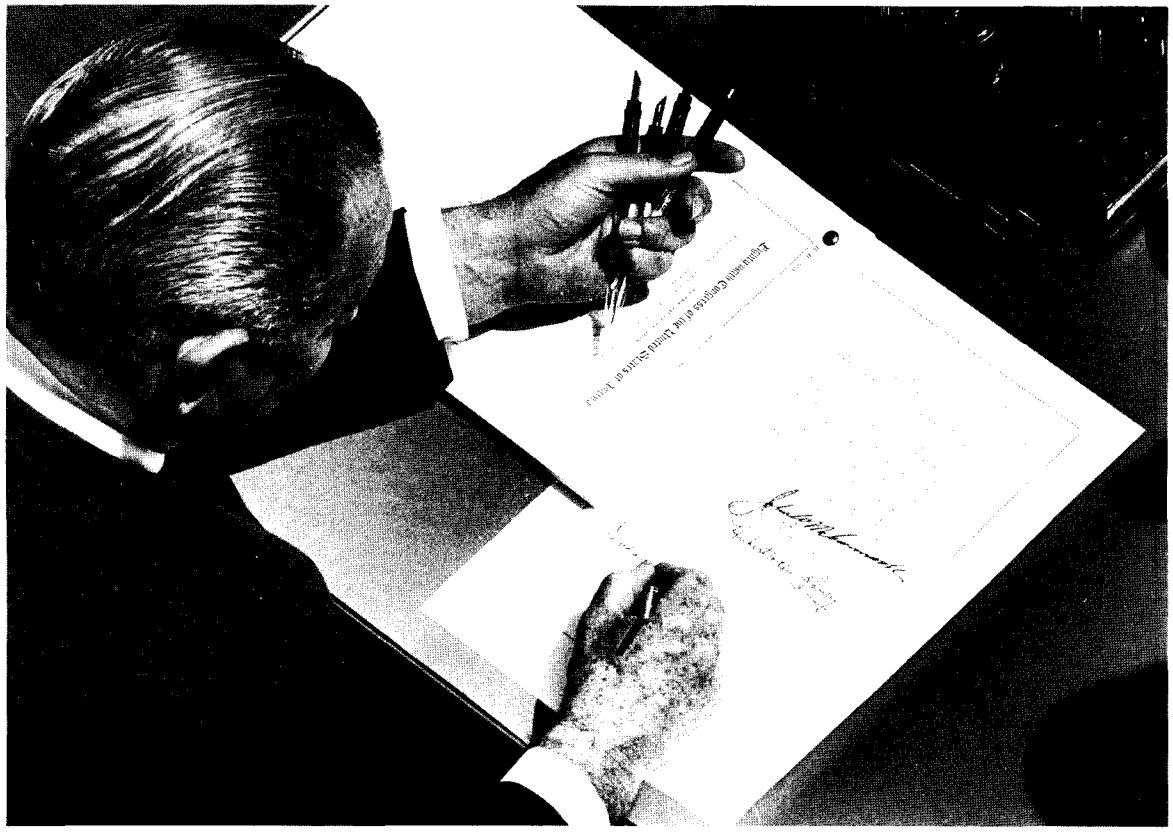

AP / Wide World

President Johnson signs the Housing and Urban Development Act of 1965, which created HUD.

Disturbed by local housing authorities' prejudice against welfare recipients, Congress inserted a provision in the 1949 law banning discrimination against potential tenants on assistance. The law implicitly designated—some would say stigmatized—public housing as a refuge for people with the worst social traits that welfare dependency encourages. Around the same time, massive projects such as the notorious (and since demolished) Pruitt-Igoe in St. Louis became the fashion. These bleak high-rises, typically sited in blighted neighborhoods in order to serve slum-clearance aims, exacerbated the problems of the new, more difficult tenants. Court decisions and regulations aimed at protecting their rights made it increasingly difficult to evict the worst of them, even for nonpayment of rent.

During the 1950s and 1960s, the quality of life at most big-city projects deteriorated substantially. By 1967, more than half of public-housing households were on public assistance. The poor could not afford to pay market rents, so in a series of late-1960s statutes collectively known as the Brooke Amendment, Congress set a rent cap of 25 percent of a tenant's income. That encouraged even more welfare recipients to move to the projects, since the cap, mitigated by deductions for dependents and allowances for utility payments, could drive their rent payments down to almost nothing. Some families even paid negative rents. The working poor, on the other hand, had an incentive to leave public housing, since their rent rose with their income. By 1978, only 30 percent of public-housing households contained a family member who worked. The percentage of working-poor tenants dropped even further during the Reagan years, when Congress raised the rent ceiling to 30 percent. (Cisneros now proposes

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to relax the cap somewhat.) Today, only one-fourth of public-housing households contain a wage earner.

With the Brooke Amendment in place, housing authorities in cities with large welfare populations could no longer expect rent revenues to cover costs. So the newly formed HUD began distributing operating subsidies to housing agencies that could not break even, and, as the buildings aged, "modernization" funds for capital repairs. That meant that the Federal Government, whose original commitment had been merely to build public housing, became responsible for practically all of its day-to-day costs in some cities—a situation that prevails to this day. The high level of federal subvention means that local housing authorities have no incentive to operate efficiently or even, in many cases, adequately. Some of the nation's worst housing projects in terms of crime and drugs—in Philadelphia and Washington, D.C., for example—also have the worst-maintained physical plants.

As housing projects acquired a reputation as social sump ponds worse than any pre-New Deal slum, an ideological divide arose over the wisdom of investing still more government resources in them. Republican administrations have tended to devise alternate ways to house the poor, while Democrats in both the White House and Congress typically assume that public housing, for all its faults and high vacancy rates, is an urban necessity.

Cisneros's new Urban Revitalization Demonstration program represents the latest, and possibly most quixotic, federal effort to lift big-city housing projects out of their current status as incubators of the underclass. The program is also a graphic illustration of how expensive (and probably futile) such an effort can be. The urban revitalization plan grew out of an August 1992 report from the National Commission on Severely Distressed Public Housing, a congressionally appointed panel of housing officials and real estate executives who identified 86,000 units, or 6 percent of the nation's public housing stock, as "severely distressed"—that is, providing "intolerable living conditions." Instead of recommending the closing, razing, or sale of these badly deteriorated properties, the report suggested that the Federal Government spend $7.5 billion over ten years to correct the problems—on top of the $3 billion it already spends annually on public-housing modernization. Cisneros was able to find only $300 million for fiscal 1993, enough to fund a few pilot programs that may inspire future funding.

The biggest slice of the pie, some $50 million, went to Cleveland to fix up parts of two sprawling complexes in the rundown central city. Outhwaite Homes, a 1930s project with Art Deco touches, and King Kennedy Estate, a dreary collection of postwar garden apartments and high-rises, both have vacancy rates in excess of 50 percent—one criterion for receiving revitalization funds.

In order to qualify for such a grant, a housing project must also be extremely poorly managed. The Cuyahoga Metropolitan Housing Authority, which operates Cleveland's public housing, passed on that score with flying colors. In a 1992 audit, the HUD inspector general's office gave the Cleveland housing authority a score of only 46 out of 100, well down into the "troubled" range. (The housing authority disputed many of the inspector general's findings.) Indeed, except for two years in the early 1980s, the Cleveland housing authority has been on HUD's troubled list continuously since 1979. Color photographs accompanying the inspector general's report depicted broken windows, clogged toilets, cratered walls, and cockroaches crawling under kitchen shelves. Other problems listed in the report included gas leaks, exposed wiring, missing door locks, falling plaster, and inoperable stoves, refrigerators, and sinks. Overall, public housing in Cleveland has only a 59 percent occupancy rate (6,048 out of 10,945 units), despite a 2,670-family waiting list. Anywhere from 36 percent to 76 percent of Cleveland's tenant rental accounts had been delinquent during 1991. Despite the generally poor condition of its dwelling units, the Cuyahoga housing authority was actually *over*staffed, the report noted, with one maintenance employee for every twenty occupied units. HUD guidelines recommend one

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maintenance worker for every forty units.

During the three years preceding the audit, the housing authority had collected $94.7 million from HUD in operating subsidies. Since 1990, it had also consumed $84 million from a HUD comprehensive-improvements program and another $34.9 million for "major rehabilitation of obsolete projects." The additional $50 million that Cisneros's HUD recently gave Cleveland seems a classic case of rewarding failure.

The Cleveland housing authority plans to spend the entire revitalization grant on a mere 490 units out of the 2,193 at the two specified projects; the planned expenditures work out to $102,000 per rehabilitated unit. According to HUD's own figures, it costs less than $80,000 to build a brand-new three-bedroom public-housing apartment in Cleveland. The extra $22,000 or so per unit in revitalization funds will fund a panoply of social-service goals unrelated to housing: recreation, tutoring, job training, crime reduction, day care, counseling, child-rearing classes, business incubation, and even the construction of more comfortable quarters for housing-authority employees. The authority plans to spend part of its revitalization funds on a "youth enhancement services complex" and an "enterprise center" at Outhwaite, and a baseball diamond, basketball courts, recycling center, and new management office at King Kennedy. Those amenities, together with the rehabbed housing units, will occupy only a small corner of each of the two decrepit complexes. "Revitalizing" public housing, then, seems to mean throwing good money, and plenty of it, after bad.

The Mortgage Muddle

If federal public housing policy seems to have reached a dead end after 59 years, the department's major program for the middle class, FHA mortgage insurance, has a reputation as a rare government program that actually works. In 1934, when Congress created the FHA, about half the residential mortgages in the country were in Depression-related default. It was difficult for young families to buy their own homes: residential mortgages were interest-only instruments with the principal falling due after only five to ten years. The typical down payment was 50 percent of the purchase price. The FHA invented the long-term, fully amortized home loan with a relatively small down payment. The buyer paid a small insurance premium to the FHA for a policy that guaranteed to the lender that the agency would pay off the loan and take over the property should the buyer default. Buyers could also finance their closing costs under the FHA system. In 1938, to stimulate the housing market further, Congress created the Federal National Mortgage Association (FNMA, or Fannie Mae) to buy up FHA-insured mortgages and sell them in securitized form to investors. Savings-rich parts of the country could thus transfer capital to poorer areas with high housing demand, correcting a market imbalance. Furthermore, Congress required, and still requires, FHA's single-family mortgage program to be entirely self-financing through premiums.

It was a revolutionary concept, and in some ways it worked all too well. The United States now has the world's highest homeownership rate—almost 65 percent of all occupied dwellings. Fannie Mae was so profitable that Congress spun it off into the private sector in 1968 and in 1970 chartered a rival private corporation, the Federal Home Loan Mortgage Corporation (FHLMC or Freddie Mac) to compete with Fannie Mae in the secondary mortgage market. But the FHA's importance diminished as its track record at insuring long-term, low-down-payment mortgages inspired private companies to devise similar programs. The first private mortgage insurer opened its doors in 1957. Private insurers can operate more creatively than the federal agency, which needs congressional approval for premiums and financing terms. Nowadays the FHA insures only 5.6 percent of the nation's single-family mortgages.

As the private sector has taken over most of the mortgage-insurance market, the FHA has been left with the riskiest mortgages. There has been relentless political pressure to ease the terms of FHA-insured loans in order to increase the number of homeown-

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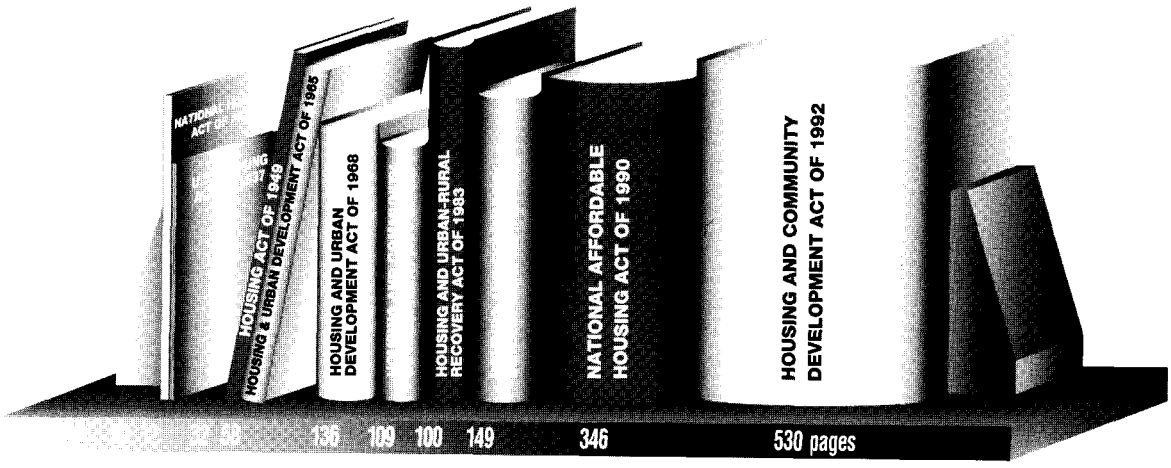
MAJOR FEDERAL HOUSING LEGISLATION, 1934-92



ers even more. When the mortgage program started, the FHA required a 20 percent down payment from borrowers. Currently, it is possible to obtain an FHA-insured home loan with as little as 3 percent down plus only a fraction of the closing costs, making for an equity close to zero. Some 45 percent of the FHA's single-family portfolio now consists of mortgages with 97 percent loan-to-value ratios—mortgages that the private sector, which typically demands at least a 5 percent down payment plus cash closing costs, deems too risky to underwrite.

As the FHA made loan terms easier, default rates rose—they are currently at 10 percent overall and 17 percent for mortgages with the highest loan-to-value ratios. By the late 1970s, the single-family mortgage program was in the black only because of large reserves accumulated during earlier decades. In 1989, the Price Waterhouse accounting firm issued a study predicting insolvency in a few years as losses begin to exceed premium revenues. HUD's efforts to shore up the program by raising premiums and requiring borrowers to pay two-thirds of their closing costs in cash generated a rousing battle in Congress, with real estate lobbyists contending that such a policy would prevent up to a million families from buying homes. The result was compromise legislation in 1990 (diluted somewhat in 1992) that raised and restructured the FHA premium and required buyers to put up a little more cash at closing. The statutory changes promise to stabilize the single-family program, at least temporarily.

Federal mortgage insurance has also expanded far beyond its original purpose of assisting the middle class in attaining homeownership. The mortgage program's dramatic early successes in the middle-class market and the growing costs of building and operating public housing inspired Congress to view FHA insurance as a convenient vehicle for financing the production of low-income housing in the private sector. Lawmakers have periodically launched special FHA insurance programs—for low-income buyers who do not qualify for the regular single-family program, for builders or rehabilitators of low-rent multifamily buildings—designed to encourage private industry to participate in federal housing policy. Such insurance is usually offered in conjunction with other financial breaks, such as low or nonexistent down payments, below-market interest rates, rent guarantees, or operating subsidies. These programs—the FHA's "general" and "special-risk" insurance systems—are *never* self-supporting; federal tax revenues cover their often substantial losses. That makes those programs not so much mortgage-insurance systems as contingent subsidies that merely look

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like mortgage insurance. In 1968, Congress chartered the Government National Mortgage Association (GNMA or Ginnie Mae) as an in-house Fannie Mae for high-risk mortgages. Ginnie Mae also loses money and relies on Treasury bailouts.

Because the more competent and reputable private-sector developers don't need government handouts and shy away from government red tape, participants in these ventures in "assisted" housing have tended to be inexperienced nonprofits (such as small urban churches) or low-end, corner-cutting private operators. They often get into the deals only for the subsidies or, before the 1986 tax reform act, for the generous tax breaks that were available for real estate investment.

Not surprisingly, the use of the FHA mortgage program to produce low-income housing has proven financially disastrous and has not contributed significantly to the nation's housing stock. Cheap housing is typically not particularly attractive or well-sited in the first place. Owners often skimp on upkeep, and many virtually abandoned their properties after their tax breaks disappeared in 1986 and the real estate market collapsed a few years later. The current $18.7 billion (or more) debacle will likely leave HUD with a foreclosed-upon inventory of thousands of once-FHA-insured apartment complexes in poor condition. Right now, HUD cannot even sell most of the properties, because federal statutes require the department to give a 15-year subsidy stream to the buyer—money that HUD does not have. (Cisneros, to his credit, is trying to change that part of the law.)

As HUD senior analyst Irving Welfeld pointed out in a 1992 book, *HUD Scandals: Howling Headlines and Silent Fiascoes*, these public/private misadventures began as far back as the 1940s, when Congress set up programs to provide FHA-insured mortgages to builders of low-cost apartments for wartime defense workers and, later, for returning servicemen and their families. The effort quickly degenerated into a $110 million fiesta of graft (FHA officials handed out wristwatches and television sets to developers who chose their agency over the competing Veterans Administration) and overappraisals (developers built the projects for less than their loans and pocketed the difference).

A few years later, a second scandal erupted over a modest-repair program that turned into a fertile field for salesmen of aluminum siding (à la the movie *Tin Men*), patios, barbecue pits, and other accoutrements of 1950s popular culture. Many peddled their wares at inflated prices to new postwar suburbanites, who in turn signed FHA-insured installment contracts with lenders. Congress shut down the program in 1953 amid widespread complaints of shoddy and unfinished work and fraudulent sales practices.

Starting in 1961, the Kennedy and Johnson administrations launched several FHA-backed programs for low-income homebuyers and for builders of low-rent apartments. One of the best-known, Section 235, allowed poor people to move for less than $100 into new or existing housing (the latter was supposed to be rehabilitated to meet HUD standards); thereafter, HUD subsidized their mortgage payments. A kindred program, Section 236, gave apartment-house builders low-interest loans covering the entire cost of construction, accelerated tax depreciation, annual operating subsidies, and rent subsidies for tenants.

By 1972, all the Kennedy and Johnson programs were actuarially unsound. Default rates were extraordinarily high, as might be expected with easy credit. HUD's inventory of foreclosed-upon apartment houses climbed from 4,000 in 1960 to 54,000 in 1972. Many of the complexes were unsalable at prices that would cover their FHA-insured mortgages because their owners had skimped on maintenance in order to maximize the benefit from federal subsidies.

The Section 235 single-family program was particularly calamitous. Speculators would buy dilapidated properties for a few thousand dollars, perform cosmetic repairs, and sell the superficially revamped units for many times what they had paid. Bribery of FHA inspectors was pandemic. The low-income buyers, discovering their new homes needed major repairs they could not afford, would abandon them. Neither program contributed substantially to the nation's housing stock. The Section 235 program

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ended up subsidizing the purchase of 300,000 new houses, all small and of low quality, and 80,000 older houses during four years of operation—minuscule numbers because the early 1970s were boom years for private-sector housing (there were 2.3 million housing starts during 1972 alone).

In 1972, the Nixon administration suspended all the Democrat-devised programs and established a task force to develop new housing policies. Soon afterward, Congress passed the 1974 Housing and Community Development Act. Section 8, a key provision of the act, contained yet another FHA-backed new-construction program. To encourage income-mixing in low-income housing, the program allowed developers to choose how many units of every project they would set aside for low-income tenants; for each of those units, HUD guaranteed the owner a twenty-year stream of subsidies to cover the difference between the tenant's rent and a "fair market rent" to be set by HUD. Other Section 8 programs guaranteed similar rent-subsidy streams to owners of existing housing who substantially or moderately rehabilitated their units to bring them up to HUD standards.

Section 8 contained one revolutionary feature: a program that gave local housing authorities "certificates" good for a fixed number of years' worth of rent payments instead of providing low-income housing directly. The housing authorities passed in the certificates to poor people, who used them to shop for housing on the private market. (The Reagan administration later supplemented the certificates with more-flexible housing vouchers that allowed poor people to pay some of the rent out of their own pockets if they wished.) The new provision marked the first time that Congress "recognized the fact that much existing housing was in standard condition . . . and that the housing problems of most low-income people were financial," John C. Weicher, who later became Kemp's policy chief, wrote in 1980.

The Nixon-era law worked imperfectly. Because of rigid HUD rules, the cost of Section 8 construction turned out to be even higher than that of standard public housing. HUD rules required builders to abide by the Davis-Bacon law mandating union-scale wages, and the department set strict construction standards. Furthermore, most developers designated all their units as low-income in order to qualify for maximum subsidies—undercutting the income-mixing aims of the program. The siting of Section 8 projects usually generated controversy: they were unwelcome in middle-class neighborhoods and prompted discrimination suits when planned for inner cities. The majority of builders took the easy way out by earmarking their projects for the elderly. (Most public housing built after 1970 is also reserved for the elderly.) Many Section 8 owners skimped on maintenance, then defaulted when times got tough in the late 1980s. As for the more stable Section 8 developments, many of their owners quickly prepaid their federally subsidized mortgages and turned the buildings into more lucrative middle-class housing, though Congress put a stop to that practice in 1990.

The Reagan White House more than halved HUD's budget from a record $33 billion in the last year of President Carter's term, and cut total housing subsidies down to less than $7 billion by fiscal 1989. President Reagan's HUD secretary, Samuel Pierce, defunded large parts of Section 8—its entire new-construction and substantial-rehabilitation programs—leaving moderate rehabilitation as the only construction subsidy. That program, administered by Pierce aide Deborah Gore Dean (recently convicted of conspiracy, perjury, and accepting a bribe in connection with her activities), became a spoils system for Reagan-friendly developers and Republican contributors. Although grants were supposed to be modest, developers could piggyback them onto funds from other HUD programs and walk away with millions in subsidies. Such dubious properties as a defunct chemical plant and a camp that housed Japanese-American internees during World War II became, respectively, housing for the elderly and the poor. Rent subsidies rolled in even if no one leased any of the units. An estimated $47 million in HUD subsidies and tax breaks flowed into the mod-rehab program before Congress tightened the law in 1987.

In a related "coinsurance" program, Pierce's HUD began allowing lenders to collect fees for pro-

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UPI / Bettmann

HUD headquarters is a ten-story double row of modulated concrete boxes shaped into a curved X.

cessing the paperwork on some risky FHA-insured mortgages in return for bearing part of the FHA's insurance obligation. The program faltered after poorly screened lenders approved large numbers of default-prone loans. HUD's coinsurance losses are estimated to be $2 billion.

And in yet another effort to do more with less, Pierce's HUD shortened the time periods of Section 8 certificates and vouchers, an accounting trick that allowed HUD to increase the number of certificates and vouchers without spending more money. Federal law requires up-front budgeting of all Section 8 subsidies. Indeed, during the Reagan years, the number of households served by federal subsidies (including public housing as well as Section 8 funds) grew from 3.3 million to more than 4.3 million, despite drastic budget cutbacks and a moratorium on new construction.

But because the Section 8 instruments were set to expire earlier, their renewal bills are falling due now. According to an August 1993 report from the General Accounting Office, about 61 percent of the 2.8 million certificates and vouchers outstanding are due to expire within five years. To renew all of them—the alternative is to cut people from the programs—HUD must increase its annual Section 8 expenditures by 141 percent, to $15.2 billion in fiscal 1998 from $6.3 billion in fiscal 1994, according to the report.

HUD's Many Missions

As if wrestling with one unsatisfactory housing policy after another were not enough, Congress has loaded HUD with dozens of other extraneous programs and obligations. Urban development is one. During the 1950s and 1960s, the Federal Government had funded large-scale "urban renewal" projects using the slum-clearance model that marked old-style housing programs. Federally subsidized bulldozers obliterated entire neighborhoods in such cities as Washington and Los Angeles, which sold the newly vacant land at cut-rate prices to private developers. Critics complained that "renewal" created office-building wastelands

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THE WASHINGTON POST TUESDAY, MAY 30, 1989

After Years of Obscurity, HUD Emerges in Scandal

Cabinet Members, Aides, Contractors Tainted

By Gwen Ifill
Washington Post Staff Writer

During eight quiet years as housing and urban development secretary, Samuel R. Pierce Jr. fulfilled the Reagan-era mission: he drastically curtailed the agency's massive grant programs and shrunk its bureaucracy.

But the measure of obscurity HUD enjoyed during those years has now been stripped away, exposing a legacy of scandal that is tainting former Reagan Cabinet members, Pierce aides and scores of private contractors who learned that there was still money to be made at HUD if one knew the political rules of the game.

HUD officials and programs are now under investigation by three congressional committees and the Justice Department's public integrity section.

The names of more than a dozen former HUD officials, including Pierce, have figured in a probe of the moderate rehabilitation subsidy program that is focused on politically influenced decisions made at the highest official levels within the department. Well-connected Republican insiders, including former interior secretary James G. Watt, Bush presidential campaign fund-raiser Frederick M. Bush, and Richard Shelby, political director of the National Republican Senatorial Committee, all benefited from what current Secretary Jack Kemp has called "favoritism and abuse of nonpublic information."

"HUD's a funny agency," said Charles J. Dempsey, who served as the department's inspector general from 1979 to 1983 and later filled the same role at the Environmental Protection Agency. "The programs are made to order for wrongdoing and con men. It's like the locusts; every seven years HUD has to have a scandal."

HUD's current problems go deeper than the scandal-ridden mod rehab program, as it is known. Investigations conducted by the inspector general's office during the last two years have uncovered fraud in housing assistance, coinsurance and community development block grant programs.

In Biloxi, Miss., former HUD deputy assistant secretary Dubois Gilliam was indicted late last month for using his influence to steer Urban Development Action Grant (UDAG) technical assistance funds to contractors and consultants involved in a project that he expected to profit from between 1984 and 1987. The conspiracy theory detailed in Justice Department documents involves Biloxi Mayor Gerald H. Blessey, the executive director of the city's economic development foundation, the city's bond attorneys and Blessey's former law partner.

The indictments charge that Gilliam used his position as administrator of the department's Community Development Block Grant technical assistance program to funnel money to firms taking advantage of a Mississippi minority procurement program.

The government also charges that Gilliam steered bond and construction work to associates and relatives who shared the proceeds with him, and that he leaked inside information to another ex-HUD official. That official, former deputy assistant...

UPI/Bettmann

SAMUEL R. PIERCE JR.
Former Secretary of Health and Urban Development at Congressional hearing

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that mostly benefited the real estate industry and the upper middle class. In 1974, Congress abolished urban renewal and substituted a system of more flexible "community development block grants" (CDBGs) of HUD money for more-modest locally generated projects designed to boost the supply of low- and moderate-income housing. In 1978, Congress added the "urban development action grant" (UDAG), designed to stimulate economic activity in decaying downtowns.

Although popular with urban mayors for obvious reasons, both CDBGs and UDAGs quickly acquired a reputation as pork barrels, and Congress has become increasingly chary with grant money. During the 1980s, for example, mayors spent UDAG grants to subsidize luxury hotels, shopping malls, automobile dealerships, and festival marketplaces. President Clinton's proposed $16.2 billion "fiscal stimulus" program failed in part because it contained $2.5 billion in new block grants that—as the *Wall Street Journal* reported—would have funded items from a mayors' wish list including a $2.5 million alpine slide for Caguas, Puerto Rico; a $1 million media center for Denver; and a $200,000 boathouse-restoration project for Riverside, California.

HUD has other duties as well. It polices compliance with the Fair Housing Act of 1968, a national ban on racial discrimination in real estate transactions. It also enforces federal disclosure laws governing property purchases, sets mobile-home quality standards, and oversees interstate land sales. Additional HUD programs have come and gone: urban homesteading, congregate homes for the elderly, solar-energy grants. Since 1987, HUD has been in the business of abating homelessness. It funds single-room-occupancy residences and costly, social-service-laden "transitional" facilities designed to acclimatize transients to the responsibilities of independent living.

Jack Kemp's tenure as HUD secretary exacerbated the push to involve the department in adventurous new missions. Although a Republican, Kemp styled himself a "bleeding-heart conservative" who wanted to continue Lyndon Johnson's war on poverty by other means. His HOPE program of selling public-housing units to their tenants had an absurd side: why would anyone, especially a cash-strapped poor person, want to *own* a slice of a housing project in a deteriorating neighborhood? Furthermore, HOPE's 1987 enabling law forbade the former tenants from realizing a profit when they sold their units and required the construction of a new unit of public housing for every one sold. Kemp poured rehab funds into two highly publicized HOPE projects in Washington, D.C., and St. Louis in order to ready them for sale. The subsidies amounted to $130,000 per unit, according to one estimate. Despite the frenzy of spending and publicity, no tenant has ever actually taken title to a HOPE unit.

Kemp devised a slew of other new HUD programs with catchy, caring names: Moving to Opportunity, which subsidized emigration from inner cities to suburbs; Shelter Care Plus, which funded counseling and job training for the homeless; Safe Havens, which proposed to build lodgings for mentally ill homeless people who refused to move into shelters (Congress declined to fund that program), and enterprise zones, which finally passed Congress in 1993 as a Clinton-Cisneros initiative.

In 1990, Congress enacted the Cranston-Gonzalez National Affordable Housing Act, a 346-page mega-statute that amounted to a veritable Christmas tree of new HUD subsidies and social services: drug-elimination, early-childhood, job-counseling, and even sports programs at housing projects; "elder cottages" for impoverished old people; "supportive" housing for people with disabilities; a "sweat equity" program that allows homeless people and others to take over HUD-foreclosed properties and fix them up; and special breaks for displaced homemakers, single parents, and migrant farm workers. An even longer 1992 law added still more programs and categories of clients. And Cisneros seems determined to continue the expansion of HUD's responsibilities. "A housing program can't act in a vacuum," says Terrence R. Duvernay, Cisneros's second-in-command. "You need a good economy. You

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need jobs and social services. You need an environment free of crime. You have to have the ability to access housing fairly, regardless of race, color, and creed." Perhaps so, but how can a housing agency—or any arm of government—realistically expect to guarantee these benefits?

Do We Need HUD?

Cisneros, like other Clinton administration officials, has talked of "reinventing" his department. But this appears to mean steering his X-shaped barque in familiar directions: more construction and "revitalization" of public housing and, of course, more social-service programs. Cisneros's new ventures include proposed community crime patrols at housing projects and an entity called Youthbuild (approved but not funded by Congress in 1992) that would train high school dropouts in the construction trades. Cisneros's FHA also plans to try one more time, after decades of failure, to set up a no-equity home-loan program for the poor. This time, insists new FHA Commissioner Nicholas Retsinas, HUD can make it work. "We're looking at loan counseling—how to balance a budget," says Retsinas. "We think counseling can take the place of equity."

The only thing standing between Cisneros and the transformation of HUD into a full-fledged social-welfare agency with a housing nexus is a lack of money. Under Kemp's grandiose leadership, HUD's annual budget climbed to $24 billion after years of Reagan-era austerity. The fiscal 1994 budget Cisneros's HUD prepared for Congress in April would have hiked total outlays to $28 billion (including Clinton's failed stimulus package), but congressional committees lopped it back to Bush-era size. The best way to view Cisneros right now is as a Great Society minister without a Great Society portfolio of greenbacks. So as HUD fragments itself prismatically into program after program, each will have to make do with less: just a few thousand more new public-housing units a year instead of a few hundred thousand, a pilot job-training program instead of a full-fledged job-training program.

So the question arises: What to do about HUD? And the answer seems obvious: Get rid of it. Public housing might have served a need in simpler, more orderly times; but now—at least in many large cities—it is a shambles of crime, decay, and incompetent management, with a spongelike capacity for absorbing federal money but little to show for it. The FHA single-family mortgage program is obsolete in these days of private mortgage insurance. The other FHA-driven housing assistance programs have generated periodic scandals and billions of dollars in defaults that taxpayers must now cover. Urban development is little more than a political bonanza for mayors. The Justice Department could easily operate HUD's enforcement programs, and we already have a social-welfare agency, the Department of Health and Human Services. There is even plenty of low-income housing being built—an estimated eighty thousand units over the past seven years—not with HUD's help but with tax credits created in the 1986 tax reform law.

The only people who may need government housing help are those at the bottom of the economic ladder. But they don't need the government to build a roof over them (the private sector can do that more efficiently); they need cash to help them with the rent. That argues for expanding the Section 8 certificates and vouchers and getting rid of almost all of HUD's other programs.

Abolishing the cumbersome HUD and substituting a streamlined voucher system for today's jerry-built edifice of elaborate programs is not likely to happen soon, however. HUD's constituency of mayors and real estate interests would fight such a move to the death in Congress and the courts. So HUD is likely to lurch along indefinitely, spending more than $25 billion a year to aid just 11.6 million households, only about 5 million of which are poor. "HUD has had so many programs," says George Mason's Heclo. "It's had pilot programs; it's had demonstration programs and little programs. It's been living hand-to-mouth since the Sixties. You wonder when it's going to decide what to do." ■

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The New Chutzpah

Criminals Sue the City

Walter K. Olson

In civil courtrooms across the country, miscreants are learning that crime can pay —when perpetrator becomes plaintiff.

For New York's latest millionaire, all it took was a deserted subway station and a dream.

Bernard McCummings, recently back after serving two years for robbery, could not have been expecting to be showered with great wealth when he and two friends paid a visit to the West 96th Street IND station one summer evening in 1984. All they were looking for was an easy mark. They found one in Jerome Sandusky, an elderly real estate executive. One of the team served as lookout, while another held Sandusky down. ("I choked him and told him not to scream. He started to scream and I choked him harder.") Meanwhile, 23-year-old McCummings went through the pockets of his 71-year-old victim.

That, of course, wasn't where he found his $4.8 million jackpot; subway riders don't carry that kind of money. No, the young tycoon-to-be carried his fortune in a considerably more abstract form—his legal rights. Those rights were activated, at taxpayer and straphanger expense, when a couple of plainclothes transit cops arrived on the scene and McCummings was shot in the back trying to flee. After pleading guilty to the mugging and heading back upstate to serve 32 months, he sued the Transit Authority and won a multimillion-dollar jury award.

When the New York Court of Appeals, the state's highest court, upheld the verdict in the spring of 1993 and McCummings got his check, there was a certain amount of public outrage, followed by a chorus of don't-blame-mes from every quarter of the legal system—starting with the jury. "We had no other choice," said foreman Peter Robbins. Another juror said her colleagues knew the plaintiff was a no-good, but they "had to put that aside": once they agreed the shooting was unjustified, "we had to give him an award under the law."

Did they really?

"Excessive force" lawsuits have been much easier for plaintiffs to file since the U.S. Supreme Court's 1985 decision in *Tennessee* v. *Garner*. In that case, an unarmed 15-year-old had broken into an unoccupied house and taken a ring, a purse, and some money, then was shot while trying to flee. Although Tennessee law immunized police across the board when they shot fleeing felons, the Court declared that the Constitution does not allow immunity to be handed out that broadly: not all felons pose enough of a threat to others to justify deadly force.

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An Order of the Court.

Drawings by Harry Furniss / *The Comic Blackstone*

It's a big leap, a yawning chasm really, from the *Garner* situation to the McCummings case. Robbing a live person is universally recognized as a much more violent crime than breaking into a house when the occupants are away. "If the officers hadn't been there," said Transit Authority lawyer Lawrence Heisler, "there's a fair chance Sandusky may have been strangled."

But the *Tennessee* v. *Garner* decision was worded in vague terms that left it highly uncertain just which fleeing suspects the police should consider themselves entitled to shoot in the future. The trial judge in the McCummings case instructed the jury that under prevailing law the TA could be held liable for shooting a fleeing felon who "poses no immediate threat of serious physical injury or harm to an officer or others." But Sandusky had in fact been badly roughed up. Wasn't that evidence enough of McCummings's dangerous disposition? No, said the Court of Appeals over two dissents, because the transit officer couldn't prove he *knew* Sandusky had been hurt at the time he fired the shots. In the future, it seems, officers may want to hold off on shooting fleeing muggers until the medical reports come back, confirming that the victims have indeed been hurt.

Question two: did the jury really have to give $4,342,142.55 (plus a half-million dollars interest) to a man who had never been gainfully employed?

The ex-mugger is not lying on his back amid a nest of tubes, being dabbed at by nurses around the clock. Suitably cleaned up, he now converses with reporters in his lawyer's office, albeit from a wheelchair. McCummings has "learned to say all the appropriate things," remarks *Newsday* subway columnist Ellis Henican with refreshing acidity. Such as: "I paid by going to prison. . . . I was young then. . . . What I did wasn't the right thing to do, but I didn't deserve to get shot." He is said to be paralyzed from the waist down, which is bad news—but any number of ordinary citizens cope with equally severe medical problems with no special help whatever.

"McCummings will not lead a life of luxury," explained the jury foreman, "because of the medical expenses he will incur over his lifetime." One doesn't know whether to laugh or cry. The fact is that plaintiffs' lawyers making such claims take advantage of what you might call an honor system on stilts. First they submit their own accounting of projected expenses. There is no apparent penalty for exaggerating this sum as wildly as they care to; McCummings's lawyer asked for $18 million in total damages, enough to buy a fair-sized hospital. The defense then denies the need for all or most of the bill, and the jury picks some number between zero and infinity. Once the money is in hand, the successful plaintiffs are on their honor to spend it as they said they would. The court creates no trust fund to ensure that the cash pile is spent on the therapy that was said at trial to be absolutely crucial. If the winners or their families run through the money buying other things, they are free to dispense with the therapy or, if the problem is acute, to show up at hospitals demanding free care. They will get it, too, so long as no visible assets are on hand for medical creditors to proceed against.

And jurors do not have to award extravagant sums to criminal plaintiffs, even when the law requires a ruling in their favor. Professor Jeffrey O'Connell of the University of Virginia says juries

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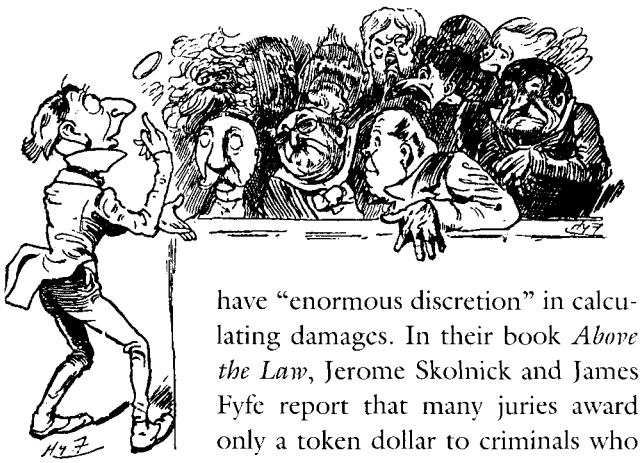

Ayes or Noes.

have "enormous discretion" in calculating damages. In their book *Above the Law*, Jerome Skolnick and James Fyfe report that many juries award only a token dollar to criminals who sue police. The McCummings jury was well aware of its discretion, to judge by a letter to *Newsday* from jury foreman Robbins. It was because they saw the plaintiff as a "lowlife," Robbins wrote, that his colleagues removed some of the gilt and ormolu from the original $18 million demand and thus "worked the figure down to just over $4 million," a figure Robbins himself has called "insultingly low." "Our feeling was that had the bullets gone into an innocent victim, we would have used the $18 million as a point of departure, to go upwards," the foreman added.

Which confirms what you might call the green-cheese theory of courtroom persuasion: if you start jurors off on the theory that the moon is made of that fanciful dairy product, there is a good chance they will use it as a point of departure and come to rest on a Gouda or Limburger theory of lunar composition, at least. According to Marcia Chambers of the *National Law Journal*, by the way, many potential jurors were excused from the McCummings case because they expressed the view that undeserving plaintiffs should not get money.

The TA's case did have a few significant problems. One was former transit cop Manuel Rodriguez's story that McCummings was lunging at him when the officer fired, which did not fit the medical evidence and seemed rather too neatly tailored to avoid the *Tennessee* v. *Garner* gray area. Another was the lackadaisical record of a TA review panel, which failed to check closely into the details of the case.

But witness-credibility problems and post-incident flubs do not automatically lead to liability, let alone high damages. Henican's account suggests what made the difference: emotion, pure and simple. "By the time [plaintiff's lawyer David] Breitbart was done, the jurors couldn't stand the two cops who had rescued Sandusky." Breitbart, a lawyer heretofore best known for defending alleged organized-crime figures, knew from the start that his case was not an obvious winner. "Everyone said, 'The client is too unsympathetic,'" he told *Newsday*. But that didn't faze him. "I'm a criminal lawyer. I beat up on cops all the time. I enjoy beating up on cops."

Cases like this are not unusual. Across the country, criminals are using the civil justice system to cash in on an ever-wider range of injuries sustained in the course of their rather hazardous way of life:

- Ocie McClure, serving a ten-year sentence for mugging a Japanese tourist in San Francisco, won $25,000 for his broken leg from Charles Hollom, a taxi driver who had been hailed as a hero when he chased McClure down after the mugging and pinned him against a wall with his cab.
- A Connecticut man now confined to a mental hospital got more than a quarter-million dollars from a psychologist who had allegedly not given him treatment that might have kept him from stabbing his seven-year-old daughter to death.
- A psychiatric defense of incapacity that fails to convince a criminal jury can still be good for civil dollars: a Texas man, convicted of murder for shooting a friend despite his claim that his sleeping pill altered his personality, nonetheless secured a $1.8 million jury award for his family by suing the drug maker and others.
- Prison itself offers many opportunities to be compensated for injury. Convicted killer Alfred Brown, with at least ten more years to serve of his sentence upstate, won $2.7 million after catching his hand in a machine in the prison furniture shop—a sum vastly higher than what workers' compensation would have provided had he suffered the same accident as part of an ordinary factory job on the outside.
- A Georgia car thief was headed over the fence at his detention facility when a guard grabbed his leg, causing the prisoner to fall. His lawsuit charges that the authorities were to blame for his

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escape attempt because they let him roam about although he was "supposed to be confined to a restricted area."

• As the *New York Times* reported in a January 1993 front-page story, quite a few New York inmates are believed to have shot themselves deliberately in order to set up injury claims against the authorities. The common technique is to hold pillows or towels against one's thigh or another fleshy portion of the body while firing at close to pointblank, so as to minimize the chances of being seriously hurt.

The "brutality bar"—which, of course, is bolstered by genuine instances of police misconduct in New York and other cities—has prospered enormously in the past decade or two, developing its own clearinghouses, referral groups, peripatetic expert witnesses, ties to the media, and political clout. Criminal law, except at the kingpin level, has long been a tough and unremunerative lot. That may change in the future, as the contingency fee can make a highly profitable client of even the lowliest arrestee.

One result is the rise of "defensive policing." On a relatively innocuous level, Sacramento, which is considered to have one of the best records among California cities for avoiding police brutality, is nonetheless spending $178,000 on video cameras to monitor its booking process in an effort to stem what it describes as a tide of frivolous lawsuits.

More ominously, in the absence of reliable standards for immunity, many police departments have been choosing to err on the side of caution—that is, when in doubt, let the suspects get away. Word of this, of course, has filtered down to the street, encouraging more suspects to make a break for it, though in fact some will misjudge the arresting officers' intentions and wind up getting shot.

Much of America's legal culture seems quite comfortable with the idea of awarding millions to persons like Bernard McCummings, reasoning that only civil suits—as opposed, say, to administrative discipline, legislative investigation, or prosecution in egregious cases—can "send a message" to cops and their superiors about the consequences of wrongdoing.

But the notion of message-sending can cut both ways. Jerome Sandusky, the man McCummings left lying on the station floor, said the award "sends the wrong message to all these hoodlums" about the consequences of *their* wrongdoing. Sandusky, who has moved out of Manhattan, gotten an unlisted number, and cut way back on his subway riding, says McCummings was hurt "because of his own actions. It is just unbelievable that someone who engaged in robbery and whose friends were trying to kill me should be given millions of dollars."

Giving Notice of Appeal.

You might even think that the man in the street—literally in the street, sometimes, with forehead on the pavement—retains a clearer view of incentives than some of our legal academics and jurists. In 1992, after a Connecticut man tried to outrun a police car in a high-speed chase, crashed into a parked car, and then won half a million dollars for his troubles, a resident wrote a letter to the local paper:

"I just read your article concerning [Domenic] Monte's attempt to evade the police and his subsequent accident. I just wanted to know if I understood the lesson correctly.

"If an officer puts on his emergency lights and I stop, I pay $117. If I run, I get $500,000. That seems simple.

"Could you advise me as to whom to contact at the Waterbury Police Department to set up an appointment for a pursuit? I need the money to pay these ridiculously high taxes." ■

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Asbestos and TB: A Tale of Two Crises

Heather Mac Donald

A comparison of two crises—one fictitious, the other all too real—is a study in the missteps of government when it allows politics, rather than science, to guide its public health policy.

On August 6, 1993, Mayor David Dinkins and the New York City Board of Education announced Operation Clean House, an emergency program to reinspect all 1,069 of the city's schools for asbestos before the start of school on September 9. No school, they pledged, would open until it was certified "safe." Thus was launched an effort that consumed tens of millions of dollars and terrified hundreds of thousands of New Yorkers, all to avert a health risk that has not been shown to exist. The entire school system would remain shut down for asbestos abatement until September 20. Three months after Operation Clean House was announced, the initiative ran out of money, having already poured $119 million into emergency abatement. As of early November, operations were still disrupted in approximately 350 schools, and 5 schools remained closed. The school system faced a major crisis of confidence.

On August 9, three days after the start of Operation Clean House, Ernest Faucette, a 46-year-old paroled felon with tuberculosis and AIDS, ignored his doctors' advice and checked himself out of the TB-HIV unit at St. Clare's Hospital. He immediately returned to the Parole Resources Center, a halfway house for state parolees on East 3rd Street, which had sent him to St. Clare's six days earlier, soon after his diagnosis of TB. Upon his return, the center dispatched him to the TB Unit at the Bellevue Men's Shelter. He never showed up and has not been heard from since.

The case received no attention, for there was nothing unusual about it. No-shows are a weekly occurrence at the Bellevue TB unit. Even patients sent from Bellevue Hospital across the street decide they would rather be elsewhere and never show up. Faucette thus joined the hundreds of TB patients who are falling through the gaping holes of the city's underfinanced TB control program. Their return to the streets is fueling an epidemic that could leave thousands of New Yorkers sick or dead.

Yet while asbestos triggered widespread hysteria, the TB crisis has barely registered on the public consciousness. The city's expenditures on Operation Clean House greatly exceeded its annual TB budget, which in 1993 rose to $40 million. A comparison of the two crises—one fictitious, the other all too real—is a study in the missteps of government when it allows politics, rather than science, to guide its public health policy.

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Asbestos

The history of asbestos abatement in New York City's schools is one long tragicomedy. The federal government, New York State, and the city all regulate asbestos in the schools; the most influential law is the federal Asbestos Hazard Emergency Response Act of 1986 (AHERA). AHERA mandated that every school nationwide be tested for the presence of asbestos by October 1988—subsequently extended to May 1989. Local school authorities were required to prepare a detailed management plan for each school, mapping the location of asbestos and providing for the removal or repair of asbestos that is damaged or friable (crushable by hand pressure). AHERA also requires a reinspection of all known asbestos every three years.

In New York City, the Board of Education appointed a task force to oversee compliance with AHERA. Its efforts were bungled from the start. The school construction industry is vulnerable to corruption and mob influence, and asbestos contracting particularly so. The initial asbestos tests, costing $3 million, had to be thrown out for inaccuracies. As the May 1989 deadline approached, the testing program became increasingly desperate. The task force hired "inspection engineers" from temporary employment agencies. The contractor, Enviro-Safe (which had almost no prior experience in environmental engineering), raised its daily quota fourfold for the area to be covered by each inspector. Yet three months after the AHERA management plans had been submitted, samples from at least 75 schools were still being analyzed.

Over the next three years, the School Construction Authority, an independent public benefit corporation funded by the state and city to maintain the city's schools, discovered in the course of routine repairs more than seventy instances of asbestos not indicated in a school's management plan. Press reports in June 1993 of deteriorated asbestos in Chinatown's P.S. 1 prompted the inspector general of the School Construction Authority, Thomas Thacher II, and the Special Commissioner of Investigation for the New York City schools, Edward Stancik, to launch an investigation into the accuracy of the management plans. They found inaccurate physical descriptions in all of the two dozen plans they inspected—in one case, the location given for asbestos was outside the building. Three of the two dozen schools, including P.S. 1, had exposed asbestos, deemed an "imminent hazard" under state law.

Thacher and Stancik presented their findings to Dinkins on August 5. A memorandum accompanying their report called the asbestos situation "one of the most extraordinary matters to come before either office in terms of its potential public health and safety ramifications." But in the final two paragraphs of the 11-page memorandum, they tried to put the situation in perspective:

> Finally a note of caution should be stressed. Although the AHERA reports may be completely unreliable, it does not necessarily follow that every school is unsafe or must be closed. Considerable controversy still exists within the medical community regarding the severity of the threat posed by limited exposure to asbestos. It should be remembered that asbestos exists in most of the city's residential, commercial, and public buildings as well.
>
> While we cannot afford to minimize the implications of this situation, it would be equally irresponsible to overstate the problem.

This "note of caution" was wholly ignored. From the moment the mayor and the Board of Education announced Operation Clean House, a crisis atmosphere reigned, unchecked by reason or scientific evidence. To have reinspected all the city's schools by September 9 would have required inspecting 45 a day. During the most frenzied period of the 1989 AHERA inspections, inspectors examined 125 schools a *month*. Not surprisingly, identical problems arose. Days into the reinspections, officials had to dismiss most of the inspectors because they had been trained by Enviro-Safe, the original contractor. Their checklists of damaged areas where exposed asbestos was most likely were inaccurate. A contractor responsible for 33 inspections was not licensed in New York State, so his inspections had to be redone. But what the

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M. Schwartz / New York Post

Asbestos taken from New York schools is loaded for removal to dump sites in Pennsylvania.

inspections lacked in competence and efficiency, they made up for in zeal. Inspectors were ripping up floor tile through late August, at which point lab results confirmed the total absence of risk.

Throughout August, the Board of Education maintained that school would open on time. Only on September 2—a week before opening day—did it acknowledge that this was impossible and vote to delay the opening until September 20. School did officially open on the 20th, but 110 schools remained closed and 90 others were on a reduced schedule. Three weeks later, classes were still disrupted for more than fifty thousand students; 28 elementary and junior high schools remained closed because of exposed asbestos; and another 300 had at least one room closed for abatement. Attendance was down 15 percent in some schools. "We've lost children because of this. I don't know if we're going to get them back," a superintendent in Brownsville, Brooklyn, told the *New York Times.*

The decision to close the schools was not mandated by the law. AHERA does not require that schools be evacuated pending asbestos inspections; schools may be and have been inspected while in session. The federal Environmental Protection Agency, responsible for enforcing AHERA, not only was not advocating closure, it was not even advocating reinspection. The final irony is that the millions already spent have not bought compliance with AHERA. Since Operation Clean House is using a different inspection protocol, the inspections that are required by AHERA every three years will still have to be conducted in 1994.

The asbestos fiasco resulted from a combination of faulty information, a failure to seek out relevant information, and political cowardice in the face of public hysteria. According to participants in the original discussions, a significant factor in the decision to reinspect and abate all schools before September 9 was the Board of Education's initial claim that only 83 schools had significant damage. This figure would soon prove to be howlingly incorrect, as inspectors uncovered more and more damage. But even if the board's original estimate had been accurate, the goal of reinspecting all of the schools in little over three weeks seems fanciful. (Getting a straight answer from the board was not helped by the fact that in August it was bitterly divided over the search for a new chancellor.)

The mayor's promise that no school would open until it had been certified as safe strongly implied that absent such a certification the schools could pose an imminent danger to health. But the mayor and Board of Education never called upon the advice of outside medical and scientific experts in making their momentous decision to keep the schools closed. In fact, a consensus has been growing in the scientific community that the risk from asbestos in buildings is trivial. The doses of asbestos

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fibers that may have caused cancer in miners and shipyard workers (who also smoked heavily) earlier in the century vastly exceed the doses in buildings. The level of airborne asbestos in most buildings is no higher than that found outside. A 1990 paper in *Science* magazine found that chrysotile—the white asbestos used 95 percent of the time in the United States—poses no health risks to people who do not actually handle asbestos for a living. In an unpublished September 1993 letter to the *New York Times*, 17 scientists and medical researchers wrote that "unless it can be demonstrated that the airborne levels of asbestos in New York City schools greatly exceed all of the data on building levels of asbestos published to date . . . the risk to schoolchildren is a non-problem." Children faced greater risks out of school from crime, fires, and car accidents than they would have if they had started school on time while the inspections proceeded at a more orderly pace.

The real engine behind the asbestos program was not scientific evidence but pressure from parents who were threatening boycotts if the schools were not reinspected before opening. Parent groups demanded, and got, representation on the Operation Clean House oversight committee chaired by First Deputy Mayor Norman Steisel. They brought along their own medical experts who claimed that asbestos was a "horrible problem," according to Tom Rousakis, Stancik's spokesman.

Public officials took a calculated risk: if the inspections could be finished before September 9, it would not matter if they were in fact unnecessary. Says one high-ranking official on the oversight committee:

> The health risks were not adequately focused on. We initially believed that we could deal with the political and health crisis and accomplish the political need of building confidence in parents. Everyone at the time said: "Maybe this is more than what is needed, but let's not ask the kids to return to school based on what medical experts say. You can't ask parents to listen to some medical expert from Mt. Sinai; let's give them what they want."

Meyer Frucher, a trustee of the School Construction Authority, echoes this assessment. Telling the truth regarding risk, he says, "doesn't work": "It's difficult to convince parents that asbestos in the classroom is not a hazard when they see guys in moon suits coming in to remove it."

But the failure to publicly address the scientific and medical aspects of the problem at the very onset locked city officials into a costly and unnecessary course of action. When it became apparent that the inspections could not be completed before the school year began, it was a little late to argue that there was really no risk in attending school for a few weeks pending inspection.

Dispatched to ward off a fictitious crisis, however, the School Construction Authority's asbestos workers discovered a very real one: the deterioration of the city's schools. For years, the Board of Education had cut its maintenance budget to fund operations; layers of red tape also impeded the efficient use of repair funds. As a result, many of the city's schools are decrepit; this was the cause of the vast majority of exposed asbestos. "The tragedy is that we have spent a staggering amount of money to chase asbestos, while not improving one whit the physical condition of the schools," says one official of the School Construction Authority. "Is this worth $100 million, or should we have tried to reason with the public about the health risks?"

Tuberculosis

In contrast with asbestos, tuberculosis is a real public health crisis: a communicable disease that, in an increasing number of cases, cannot be cured. Like ex-convict Ernest Faucette, who disappeared after failing to show up at the Bellevue TB Unit, a large portion of TB patients are failing to complete their treatment. Not only do such patients continue to spread the disease, but they become breeding grounds for drug-resistant strains of TB. The more times a patient aborts treatment, the more drug-resistant his infection at each new flare-up. That means that TB is no longer 100 percent curable with antibiotics. An estimated

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one in three new cases of TB in New York City is resistant to one drug; one in five is resistant to many.

The rate of new tuberculosis cases in New York City—52 per 100,000 people and rising—is already three times the rate considered epidemic by the federal Centers for Disease Control. Only in the Third World are infection rates comparable. In Central Harlem, the rate is 240 per 100,000; among prisoners on Rikers Island, even higher. The official number of new cases citywide in 1992 was 3,811. Some experts argue, however, that this is a conservative estimate; the real number, they say, is between 7,000 and 8,000. And no figures are kept on the *prevalence* of TB in the population—that is, the total number of cases, both new and ongoing.

Normally, tuberculosis is treated by administering two to five pills daily or several times a week for six months to a year. Patients with drug-resistant TB often must take more than a dozen pills and a shot every day for two years; side effects include serious nausea, hearing loss, dizziness, and psychosis. These medications merely weaken the TB organism; they do not kill it. Surgery may be required to drain fluid from the lungs, or to kill germs by collapsing or even removing a lung. Treating an infection resistant to two or more drugs costs more than a quarter-million dollars a year for each patient; the fatality rate is 50 percent.

There are several reasons for New York's current epidemic. The city's once-extensive TB treatment system was decimated by decades of federal and local budget cuts. Officials failed to heed warning signs that TB was again on the rise. And in a crisis that requires flexibility, coordination, and the ability to respond quickly to change, New York City's government is instead fractured, slow, and hidebound. "In a public health emergency, you can't wait months to get a contract approved, only to be told that you can only hire New York City residents," says one health official.

But the most significant factor in the current crisis is the makeup of the patient population itself. Contemporary TB is "symptomatic of the breakdown in our ability to take care of our social problems," argues Dr. Robert Fullilove, associate dean for community and minority affairs at the Columbia School of Public Health. "It is a biological process fueled by social factors." Those factors are homelessness, AIDS, drug addiction, criminality, and mental illness. The city estimates that between 20 and 30 percent of TB cases are homeless; this could well be an undercount. Nearly half of those with TB are known to be HIV-positive; immune-system breakdown greatly increases the likelihood that an infection with the TB germ will lead to an active case of the disease. Drug use increases the chances of TB transmission and of failing to complete treatment; because TB medication interacts adversely with methadone, many addicts stop medicating themselves. The city Department of Health estimates that between 15 and 20 percent of the inmates in the city's correctional system are infected with TB; each year an inmate spends in prison more than doubles his risk of contracting the disease. And mentally ill patients are among the least likely to complete treatment for TB.

The populations most susceptible to TB are precisely those most likely to escape the safety net or to get as far away from it as they can. A Columbia School of Public Health study attempted to track the mental and physical health of 1,200 shelter residents after they left the shelter. Two years later, the researchers could locate only 200 of the original cohort. The elusiveness of many TB patients makes them particularly difficult to reach for "directly observed therapy" (DOT), the preferred method of ensuring that patients complete treatment. Under this form of therapy, a caseworker observes the patient taking his medication each day until the entire course is completed. There are currently more than 1,300 TB patients enrolled in DOT in New York City. The city Department of Health estimates that without DOT, some 40 percent of patients with active TB would have "difficulty" completing treatment. DOT is practiced both in outpatient programs and within prisons and other institutions, where noncompliance is a serious risk in the absence of supervision. Before Rikers instituted DOT, workers

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there would find hundreds of discarded TB pills littering the grounds.

But for DOT to work, one must locate the patient. If a TB patient is homeless or otherwise living on the fringes of society, this is a daunting task. Caseworkers spend their day hunting down clients in soup kitchens, shelters, and crack dens. New York's TB control system also loses patients when they move between institutions. The prison and the city hospital systems, for example, do not interlock. Although prisoners who enter the Infectious Disease Unit at Rikers are immediately given a card listing the health care available in their community, the director of the unit, Dr. Eran Bellin, says he has no idea how many prisoners actually go to the clinics after being released. Montefiore Medical Center, which operates the Rikers unit, receives no funding to follow its prison patients after their release. Only when a former inmate shows up in prison again (almost an inevitability) is he again ensured care—but treatment usually has to start from scratch and is likely to encounter greater drug-resistance.

Prisons are disgorging large numbers of infected inmates back into the community with little or no follow-up. Robert Allen, a DOT caseworker at the Bellevue Men's Shelter TB Unit, says Rikers Island is Bellevue's biggest source of no-shows. "When the [prisoners] get free, they want to hang out," he says. "The only thing we can do is wait and hope."

When Ernest Faucette first showed up at the Parole Resources Center, he was in "extremely deteriorated medical condition," according to Dr. Wendy Krevisky, the center's clinical director. He was unable to participate in the employment programs that are the center's raison d'être and instead spent his days taking the bus to Harlem Hospital for medical tests. "Whenever we put our foot down with Parole and tell them not to send us sick patients without also sending the medical personnel to treat them, they tell us that 90 percent of their population are sick," Krevisky says. "Parole is under pressure to empty the prisons; they are not selective about who they let out." Indeed, though Faucette was denied parole in June 1992 because there was a "reasonable probability that he wouldn't live in the community without violating the law," he was let out anyway less than a year later, simply for having served two-thirds of his sentence for grand larceny.

Even if institutions found the resources to accompany their clients from one treatment setting to the next, getting them to their destination is no guarantee that they will stay there. Many patients do what Faucette did at St. Clare's TB-HIV unit: check themselves out against medical advice. Others simply walk out unobserved. The number of such patients who leave the hospital prematurely is rising: up from 20 percent in 1992 to 33 percent in 1993.

Concern for patient confidentiality impedes the effort to track patients. "We need more sharing of information," argues Dr. Steven Safyer, the medical director of Montefiore Medical Center. A private hospital, Safyer notes, cannot get a prisoner's medical history without his consent. Patients often show up at different hospitals with different names, and doctors are usually unable to find out if their patients have been in drug therapy—information relevant to estimating the likelihood of noncompliance with TB treatment.

Dr. Thomas Frieden, director of the city's Bureau of TB Control, and Dr. Margaret Hamburg, the Dinkins administration's commissioner of health, receive high marks from the medical community for turning around years of neglect in the TB control program. But the city's system of outpatient care remains far from adequate. New York's nine chest clinics (down from 21 in the 1960s) log 171,000 visits a year. Patients wait hours to be seen. Dr. Barry Bloom, a professor of microbiology at Albert Einstein College of Medicine, says international TB experts "can't believe what goes on in New York's chest clinics." In other countries, doctors try to find out about the circumstances of a patient's life in order better to structure a treatment regimen; at the city facilities, Bloom says, "patients aren't talked to."

Delays are pervasive throughout the system. If

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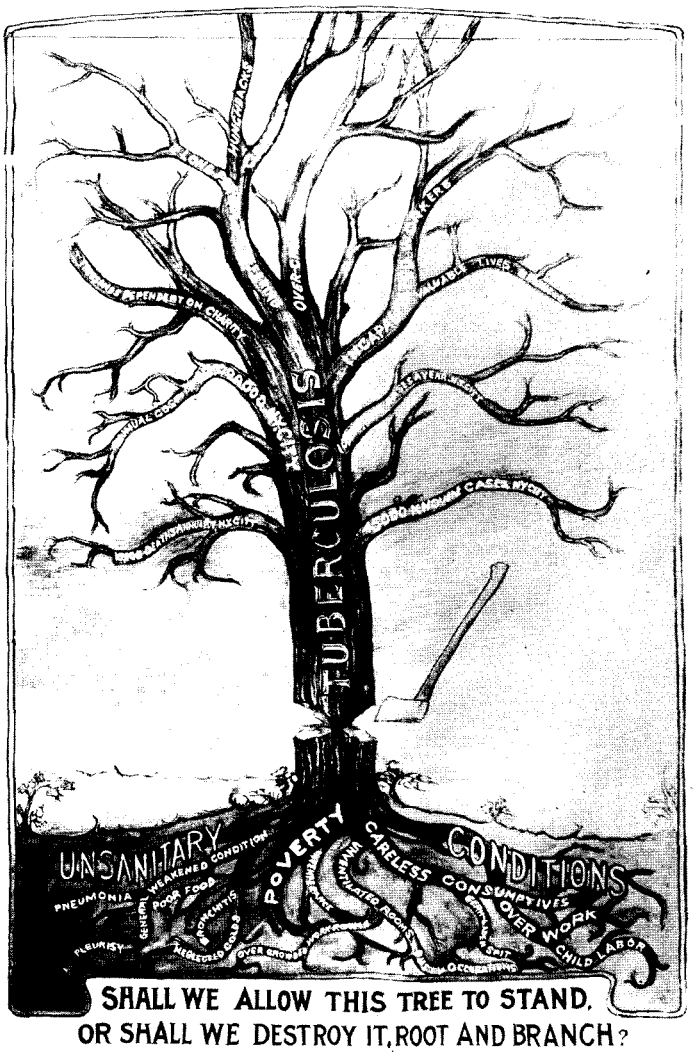

Museum of the City of New York

A nineteenth-century warning against TB.

a patient is tested for TB in an emergency room, he can wait up to ten hours upon his return visit to have the test read. Many never come back at all. It took the city more than two years to replace broken X-ray equipment in its clinics. During that time, patients were sent across the city to other clinics where the equipment might be functioning. The city's public hospitals once had chest clinics; now few do, and those that exist operate erratically. My own efforts to find out when the chest clinic at Elmhurst Hospital was open were wholly unsuccessful. Elmhurst serves a large number of immigrants; a non-English-speaking patient would have a much slimmer chance of tracking down care.

There is widespread agreement in the medical community that to increase treatment completion rates, the city must first of all improve the delivery of health care. "A noncompliant patient represents not just the patient's irresponsibility, but a public irresponsibility as well," Bloom argues. For patients whose lives already teeter on chaos, existing impediments to obtaining treatment often prove insurmountable. Many doctors also support the idea of providing homeless TB patients with housing, so as to facilitate the delivery of DOT.

But doctors are just as adamant that the city also must be willing to detain persistently recalcitrant patients. While the majority of noncompliant patients might become compliant with more available health care, there will always remain a hard core of patients who resist even the most accessible treatment and must be quarantined. "At some level the city should be fixated on this small but important group," Bellin says. But he questions whether the city has the "will and ability" to exercise its authority to quarantine.

Dr. Safyer of Montefiore Medical Center echoes Bellin's assessment. "We haven't grappled with the hard core; we haven't solved it as a city." He is not optimistic that we will: "It's difficult to get the city to reach conclusions that have risks"—such as the risk of being accused of violating civil liberties.

Indeed, recent revisions of the city's detention law met with strenuous opposition from AIDS activists. The revisions, adopted in March 1993, clarified the circumstances in which the city can exercise its detention power and provided for the possibility of detaining a patient until he is cured. In the past, patients could be detained only until they were no longer contagious; once released,

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they often stopped taking their medication and relapsed. Despite the caution with which the revisions were drafted—they give patients a full panoply of due process protections—activists vowed to fight all efforts to detain patients until the city makes health care both more accessible and more "culturally sensitive."

This position is misguided. In a health emergency, the government cannot wait for utopian conditions before moving to protect the public. If a patient has been persistently noncompliant, the city must act far more promptly to get him off the streets. Often, by the time authorities get around to issuing a detention order, the patient has already disappeared.

Though activists charge that TB is giving closet authoritarians a pretext to lock up AIDS patients, it is more likely that the government's response to the TB epidemic is inhibited by reflexes honed during the AIDS crisis. "We remain a little bit stuck with the HIV model," Safyer says. "But TB is not the same disease with the same implications. The risk of breathing is not the same as sharing a needle or having sex."

Despite advocates' concerns, there is little chance that the city will start hauling away busloads of recalcitrant patients any time soon. Even if it wanted to, it doesn't have the facilities for them. City hospitals have no locked isolation units for infectious patients, though Goldwater Hospital has 25 beds in a locked ward for noninfectious patients. In 1991 and 1992, the city signed 44 detention orders, a tiny fraction of the number of recalcitrant patients. Cost considerations alone ensure that DOT will remain the intervention of choice.

The medical community is unanimous in stressing the urgency of the situation. Universal treatment until patients are completely free of infection "must be achieved right away," argues Dr. Bellin of Rikers. "If TB spreads much more, it won't be treatable." To come even close to the goal of 100 percent completion of treatment, New York needs to increase its army of DOT caseworkers, expand and improve its outpatient services, and develop more effective ways of tracking patients.

TB control, says Bellin, is the "ultimate in communal activity; everyone is one huge organism." Unfortunately, New York City's body politic is already reeling from social problems. The medical response to the TB epidemic will be of limited efficacy as long as so many of the city's residents continue to fall out of the social order.

Crises, Real and Imagined

The asbestos and TB crises have a common root in government neglect and mismanagement. For years, the Board of Education gave school maintenance short shrift, allowing buildings to deteriorate to the point that many had exposed asbestos. Over the past two decades, New York's TB control program was gutted, officials looked the other way as rates of infection rose, and the social problems that engendered the current epidemic continued to fester.

The city responded forcefully though foolishly to the asbestos problem when New Yorkers came to believe their children were in danger. In contrast, though TB control efforts have been markedly improved over the past few years, they remain inadequate. The public has not yet recognized tuberculosis as a health emergency because most TB victims are marginal members of society. But unless drastic action is taken, TB may soon pose an immediate threat to the health of all New Yorkers. The asbestos "crisis" was a phony one. The TB crisis, in contrast, is real—and deadly. ■

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Neighborhood Cops

Making Community Policing Work

George L. Kelling

Community policing is a popular and promising reform. But it is unlikely to succeed unless accompanied by a new way of organizing police departments—one that moves away from the centralized, bureaucratic structure of past decades.

During the late 1970s, my wife and I visited New York City's Washington Square Park. Despite the presence of several police officers, we were solicited three times by drug dealers before we were more than fifty feet into the park. The officers paid no attention. Perplexed, we moved to a position to observe both dealers and police. The dealers were openly selling drugs and the officers were doing nothing about it.

Was this a case of police corruption? Very likely not. In fact, the phenomenon my wife and I observed was almost certainly the result of police practices developed since the turn of the century for the very purpose, among others, of *preventing* corruption. Understanding and reconsidering these practices is vitally important to New York and other cities that are moving toward community policing.

Community policing entails both a shift in the function of police, from a narrow focus on law enforcement to the provision of a broad range of services, and in tactics, from primarily reactive activities (responding after a crime has occurred) to preventive activities (maintaining order and solving problems before they escalate into violence). But changing the functions and tactics of an organization also requires fundamental changes in the way it is structured and managed. Community policing will fail if police departments remain the highly centralized bureaucratic organizations they have been since the early decades of the twentieth century.

Police often describe their organizations as rubber bands: they can be stretched and twisted, but once the pressure is relaxed, they snap back to their original shape. Some of us remember the attempts at team policing in New York City and elsewhere during the 1960s and 1970s. Team policing had many of the same approaches as community policing: community involvement, permanent assignment of officers to neighborhoods, determination of police priorities on the basis of citizen input, and a focus on neighborhood problems. Team policing vanished, despite its successes, because issues of organization and management were ignored. Unless such issues are addressed, community policing is likely to suffer the same fate.

Today, most departments are organized functionally. That is, each major function—patrol, detectives, and various special units—is organized into a separate bureau run by an upper-level administrator (depending on the department, an assistant or deputy chief, inspector, major, or similar rank). Each of these bureaus runs independently, has

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Steve Berman

The crucial principle of community policing is that the local precinct should provide total police services. Shown (top to bottom) are the Bronx's 52nd and Manhattan's 10th and Central Park precincts.

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citywide jurisdiction, and is overseen by the department's chief of operations.

In most cities, a captain or commander, accountable to the head of patrol, runs a precinct or district. Assisted by patrol officers, sergeants, and lieutenants, he provides the basic patrol services with which most citizens are familiar. A precinct commander may also have a few detectives, community relations officers, and special unit personnel under his command. But criminal investigation (detectives) and special units to deal with special problems (drugs, intelligence, and vice, for example) are for the most part the province of separate centralized commands. Police leaders have considered this organizational structure so basic to policing that, until very recently, the Law Enforcement Accreditation Commission would not certify a police department unless it was organized by function.

This structure grew out of police reform efforts early in the century. Reformers' primary goal was to control officers and departments so as to achieve independence from political meddling and reduce police corruption and abuse. In quieter days—the 1930s through the 1950s—this strategy may have been adequate to deal with urban problems as well; it has, however, proven inadequate since then. Today, a new generation of reformers is recognizing the need for a new organizational approach, one in which the basic function of all other personnel and units is to support patrol, rather than the reverse.

Reform, Then and Now

Early police departments, subject to local political control, provided something akin to community policing. They were structured not by function but geographically, with police precincts or districts overlaying political wards. Ward leaders appointed precinct commanders and held them accountable. Because precinct commanders had to please local leaders, who had a vested interest in pleasing their constituents, it was clear that solving local problems was police business.

The strong links between local politicians and police, however, also bred corruption. Sociologist Egon Bittner drolly describes the police of that era: "Of all the institutions of city government in late-nineteenth-century America, none was as unanimously denounced as the urban police. According to every available account, they were, in every aspect of their existence, an unmixed, unmitigated, and unpardonable scandal." Reformers identified three forms of corruption which they linked to political meddling in policing: financial (payoffs for underenforcement of laws), political ("getting out the vote" for local politicians), and inequitable (for example, keeping "undesirables" out of neighborhoods).

Initial calls for reform originated outside policing during the 1890s—in New York City most notably from the Reverend Charles Parkhurst. By the 1910s, police officials began to join the movement for reform. The formula reformers devised to end political and financial corruption included several important elements:

- Creation of civil service procedures to ensure that officers would be hired on merit rather than through patronage;
- Provision of tenure to police chiefs to ensure their autonomy;
- Measurement of police success by "scientific" standards such as crime rates and arrests;
- Creation of police districts and beats on the basis of crime rates (and later the number of calls for service); and,
- Narrowing the police function to the enforcement of laws, especially laws against serious crime.

Centralization of police authority was the mainstay of all reform efforts. It took two forms: consolidation of city police into higher political units (metropolitan areas and states) and centralization of police management authority in the office of the chief.

The push for state or regional control largely failed. But the effort to centralize authority in the office of the chief (sometimes called the commissioner or superintendent) was a resounding success. Police executives, supported by Progressives and other advocates of urban reform, gained more and more independence from city hall, ward bosses, and other political figures. In Los Angeles, for example, chiefs in pro-

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tected civil service positions had virtual autonomy in running their department. Boston created a strong commissioner model in which appointments were not coterminous with mayoral terms. (In practice, however, mayors have been able to pressure commissioners into resigning.) A similar form of administration developed in New York City, although, as Thomas Reppetto of the Citizens Crime Commission has pointed out, the tradition of each mayor appointing his own commissioner limits the power of the office.

In all these cases, reform efforts substantially reduced the influence of political leaders on police departments. So successful were reformers in gaining independence that the University of Wisconsin's Herman Goldstein has described contemporary police as the most autonomous and least accountable agency in government. (This autonomy created problems in its own right, exemplified by the post-Rodney King developments in Los Angeles.)

Reformers turned to the latest in organizational thinking of the time—the work of Frederick Taylor—to restructure both their organizations and the work of police officers. Taylor invented the factory model of organization we now know: centralized bureaucracy, extensive rules and regulations, lines of authority, layers of command with expertise lodged in middle management, span of control, unity of command, and the routinization and specialization of line functions.

The primary business of police was to be law enforcement—"crime fighting." As law enforcers, police would need the endorsement of neither politicians nor neighborhoods. So as not to be too intrusive, they would concentrate on broadly condemned common-law crimes—murder, rape, assault, burglary, robbery—and withdraw from order maintenance activities that were inherently ambiguous. Police effectiveness would be measured by newly developed and "scientific" Uniform Crime Reports and arrest rates. Police would pass social, medical, family, and other problems to churches and other community institutions.

Tactics would be primarily reactive. Police would patrol in automobiles, intervene in law-breaking that came under their view, and respond to calls

FPG

Early reformers envisioned police as remote and professional crime-fighters.

for service. Rules and regulations forbade "idle conversation" with citizens; police were to be remote and professional crime fighters who sought "just the facts, ma'am." Detectives would investigate crimes once they had occurred.

Consistent with Taylor's ideas, police work would be simple, routine, and specialized. Patrol officers would operate with little discretion—if someone broke the law, officers would intervene; if citizens were law-abiding, they had nothing to fear from the police. The organization would be structured by function. Special units would deal with special problems—juveniles, vice, drugs, organized crime—as they developed, and patrol officers would stay out of these matters. This explains the experience my wife and I had in Washington Square Park.

The most important organizational and managerial goal was to break the grip that precinct commanders had over their areas. All would come under central control; their links to local politicians and neighborhoods would be severed. To ensure that precinct commanders could not "build kingdoms," reformers rotated commanders from assignment to assignment—a model developed by J. Edgar Hoover when he took over the corrupt Bureau of Investigation during the

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1920s. Extensive rules and regulations would govern all aspects of police performance and organizational decorum. Centrally based middle managers—captains and lieutenants—would design the work, supervisors would direct it, and patrol officers would carry it out. Line officers would do, not think.

In many respects, the reform strategy was remarkably successful. Police departments became relatively well-run organizations. Corruption and abuse lessened throughout the twentieth century. Police embraced the ideology of "crime fighting"—it communicated action, power, and an unambiguous purpose.

The trouble is that although police generated enormous numbers of arrests, the incidence of serious crime continued to rise and street conditions to deteriorate. By the 1960s, the "crime problem" got so bad that it became a major political issue. Yet today, most of us would happily return to that era—at least as far as predatory crime and disorder are concerned. Moreover, the emphasis on "crime fighting" bred a warrior mentality in police: huge areas of cities became battle zones and large numbers of people became enemies—all a far cry from the admonition of Sir Robert Peel, the father of Anglo-Saxon policing, to "keep peace by peaceful means." Ironically, then, the "crime fighting" strategy failed on its own terms—reducing or preventing crime.

The centralized structure of police departments made it difficult to introduce innovations similar to community policing, which might have effectively addressed these problems. This is best illustrated by what happened to team policing in Cincinnati during the 1970s—the most closely studied team policing experiment. After team policing was tried for two years in areas of Cincinnati, almost everyone involved—citizens, police, and evaluators—agreed that it was a success. The department planned to take team policing citywide. But it was understood only as a good tactic; little thought was given to the department's organizational structure, which remained typically bureaucratic.

Over time mid-managers moved to reestablish their authority. In the name of ensuring good personnel management, they reclaimed the right to allocate personnel to teams. In the name of uniform dress codes (rules and regulations), they withdrew team leaders' authority to assign officers to dress in plain clothes for surveillance or investigation. Other subtle means of control were exerted. But the killer was something called management by objectives (MBO), which the department adopted in the middle of the experiment.

Top management installed MBO to ensure that officers were conducting measurable activities (arrests and the like) department-wide. Teams submitted MBO plans that were based on neighborhood priorities. Management rejected them as not in accord with overall departmental objectives. When neighborhood priorities were resubmitted, management again turned them down. Team members finally got the message that Cincinnati was returning to business as usual. The rubber band snapped back: police work was riding in cars, responding to calls for service, and getting the "stats." The Cincinnati Police Department failed to recognize that team policing, like community policing, was not merely a tactic; it was a strategic shift in the function and tactics of policing that could not be maintained within the organizational structure imposed by turn-of-the-century police reformers.

Reform failed in another respect as well. Turn-of-the-century police innovations had their origins in a desire to control police organizations and line personnel. Reformers were serious about crime control, but if push came to shove, their concern with corruption led them to make control of the police the top priority: don't let line officers combat local drug dealing; create special units to deal with vice; limit the discretion of precinct commanders. This focus on control gives rise to two central ironies. First, line officers actually perform complex tasks with little direction or supervision—despite the fervency of the desire to control them, the general view that officers are under close control, and the existence of voluminous rules and regulations and an elaborate command-and-control superstructure. Second, the organizational measures developed to eliminate the autonomy of the precinct commanders have artificially fragmented police work, alienated citizens from police, and diffused accountability.

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No Control of Patrol

Community policing depends on a recognition of the subtlety and complexity of policing. But the reality of police work—what officers actually *do*—stands in stark contrast with the official representation of policing.

In the official view, an extensive administrative structure oversees all aspects of an officer's work, with great concern given to issues such as span of control (how many officers a sergeant can oversee) and unity of command (each officer takes orders from only one person). Orders flow downward from commanders to officers. Information flows upward for use by planners. Tactics, developed by middle and upper management, specify when, where, and how officers are to patrol. Extensive rules and regulations prescribe organizational manners and mores in extensive detail, down to minutiae about clothing and other forms of decorum. Elaborate 911, computer, and radio systems keep officers in constant contact with, and under surveillance of, centralized command and control. Formal norms and informal conventions guide how long an officer should spend dealing with each type of call for service. Organizational pressure keeps officers "in service"—riding in cars waiting for the next call—rather than "out of service" and dealing directly with citizens. Reports keep detailed records of officers' law enforcement activities: arrests, summonses, and tickets.

This top-down perspective gives a coherent view of the officer in the police organization: under tight administrative control, making decisions under the supervision of a sergeant or mid-manager, "fighting crime" by enforcing laws, going from call to call with little free time, guided by extensive rules and regulations, and operating with little discretion. But the view from the bottom is quite different.

UPI / Bettmann

Most police officers conduct the bulk of their work alone or with a partner. No one can look over their shoulders to determine whether they are doing their work properly.

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First, police work is incredibly complex. Reform administrators were wrong to believe that police work consists primarily of enforcing common criminal laws in ways that could be carried out by people with what Egon Bittner called "manly virtues"—men who are big, heroic, honest, and smart enough to write out simple reports. In fact, most police work consists of managing community and neighborhood conflicts and problems that take an infinite variety of forms. Less than 20 percent of police work, regardless of city or neighborhood, deals with common crimes. And dealing with crimes is itself often complex: there is nothing so simple about domestic assault, for example, that suggests that "manly virtues"—as opposed to intelligence and skill—are what is needed to deal with it.

Second, police work is inherently ambiguous. When an officer arrives on the scene of an incident, it usually not clear who is doing what to whom, who is right and who is wrong—indeed, even what has happened and what is happening. Natural distortions of memory, prevarication, cheerleading and bull-baiting by onlookers, the emotions of victim and perpetrator, and a host of other factors mean that police are often asked to make sense out of confusing and ambiguous circumstances.

Third, despite the total number of calls that come to police departments, officers have considerable free time. How much varies by shift, time, and area, but even during relatively busy shifts, most officers have time that could be used to do things other than ride around in cars. The primary problem police have in scheduling work is its unpredictability rather than its quantity. The result, however, is that officers control their discretionary time.

Fourth, rules and regulations have very little to do with the routine work of police officers. Regulations specify proper procedures for arrests (which constitute a relatively small portion of actual police work), tell officers what they cannot do, and manage the relationships between ranks. But they have little to say about most of the conflicts and problems with which officers deal. Most such work, in fact, goes unrecorded. Suppose an officer sees a dispute between neighbors. If the officer intervenes before blows are struck, and all is settled, then officially nothing has happened and, except perhaps for the officer's personal log, the department has no record of the activity. If, on the other hand, the officer delays, lets a fight start, and then makes an arrest, an official record is kept.

Finally, police are subject to little direct supervision. Most officers conduct the bulk of their critical work, including using force, alone or with a partner. They are not "overseen" in the sense of Taylor's factory model: no one can look over their shoulders to determine whether they are doing their work properly. Generally, the quality of police work can only be determined after the fact, by reconstructing an incident on the basis of records and personal accounts of the officers, participants, and other observers. In the final analysis, then, police officers' performance is determined largely by their own values, knowledge, and skills—be they appropriate or not.

The reform strategy put control of officers at its very core; created an elaborate control infrastructure of rules and regulations, layers of command, and monitoring technology; and ostensibly narrowed, simplified, and routinized police work. Yet this strategy not only failed in terms of crime fighting, but in terms of control as well. At its best, this strategy, with its functional structure and Taylorian managerial processes, can keep officers out of trouble by isolating them and preventing them from doing much of anything. It cannot produce quality policing because it does not address the essential *work* of police officers.

Powerless Precincts

Community policing is also hampered by the centralized structure's tendency to reduce the power and prestige of precinct or district commanders, which makes police departments less responsive to local concerns.

Specialized units, as we have seen, were created as part of a strategy to achieve centralized control

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over the police in an entire city. Such units limited the control of precinct commanders and extended centralized control over day-to-day policing in wards and neighborhoods. Specialized, centrally controlled units, moreover, extended the reach of the police chief into precinct personnel, shaping how patrol officers view themselves and their jobs. Special units, akin to detectives, became prestige units in police departments. Working in a special unit often means special hours, increased pay and recognition, exciting work, plain clothes, and access to other good jobs in the future. By offering such benefits, police executives are able to "cream" the most talented officers from precincts.

The result is that precinct commanders get what's left over—leftover problems and leftover personnel. Precinct personnel do the residual work of responding to calls for service, patrolling in cars, and conducting preliminary investigations, which, regardless of quality, are often replicated by detectives.

This is troublesome in many ways. Two are particularly important to the prospects for community policing. First, precinct commanders cannot be held responsible for their areas. Stripped of resources at every "emergency," their precincts policed by any number of special units over which they have no control, their priorities determined by centralized planning units, and their officers under control of a centralized 911 system, precinct commanders lack authority and resources and are left with little to do other than follow the dictates of the chief. At the precinct level, initiative and leadership are lost, and commanders are unable to respond to local problems. Precinct commanders might have a few community and special officers to try to reach out to neighborhoods, but "real" police work is controlled and carried out elsewhere. The central bureaucracy commandeers personnel and other resources, establishes priorities, and, through 911 and its requirement that police stay "in service," sequesters the lion's share of officers' time.

Second, the results are equally devastating to patrol officers' initiative. Special units and detectives come into officers' beats with impunity. Specialized personnel share information with beat officers on the basis of their "need to know"—which in practice means patrol officers are generally left in the dark about important information regarding their beats. This is particularly problematic in departments that formally or informally reward arrests (with assignment to special units, promotions, court overtime, and the like). Special unit personnel tend to share useless information with patrol officers but to hoard information that may result in arrests. Moreover, it is not unusual for beat officers to know nothing in advance about planned special operations in their areas. Depending on the department, patrol officers feel demeaned, frustrated, and bitter. The idea of being "chiefs of their beats" is a joke to most of them. In the worst case, officers are dispatched to a "gang war" call that is really a shootout between special unit officers and drug dealers—a situation that jeopardizes both patrol officers and special unit personnel.

How to Decentralize

Decentralization—that is, devolution of authority to lower levels of police organizations—is essential in large cities because problems are local. No city has *a* drug problem; no city has *a* violence problem; no city has *a* disorder problem. The substance, shape, and importance of problems vary by neighborhood.

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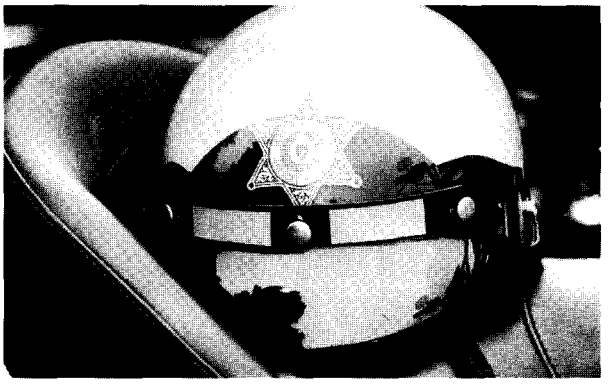

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The drug problem in one neighborhood is gangs shooting at each other. In another, it is a traffic problem: cars lined up blocking streets. In another, the drug problem is panhandlers blocking store entrances. In yet another, it is youths partying in parks. And so on. Neighborhood police officers need the time and resources to discover, understand, and deal with local problems. They also need the authority to work with citizens in negotiating priorities and devising solutions.

This is not to say that there are no citywide problems. But the vast majority of urban police business is neighborhood-based. Moreover, policing is, by its very nature, geographical. Since their inception, police departments have always distributed officers throughout cities rather than clustered them in centralized offices where they would be amenable to direct supervision.

The crucial principle of community policing is that the local precinct should provide total police services—including criminal investigation, drug enforcement, and other services that are now the province of centralized units. A variety of means could be employed toward this end—organizing geographically, flattening police organizations (reducing the number of ranks), "de-squading" departments (reducing the number and size of special units), rethinking how demand comes into police departments (recognizing that 911 calls are only one source of demand), and others. All are required to some extent. New York City, for example, could give "superchiefs" jurisdiction over a borough rather than a function, reduce ranks substantially, and cut back on special units while making them responsive to patrol officers.

Strong leadership would be essential in a decentralized department. The chief (or commissioner) would strive to infuse the department with a vision of policing congruent with democratic governance and constitutional values. The chief would also be in charge of such department-wide matters as recruitment and training, allocation of personnel and resources among precincts, and coordination of activities both among precincts and with other governmental agencies.

Precinct commanders (or captains) would be held accountable for the quality of policing in their neighborhoods, based on both departmental values and local needs. There would inevitably be some tension between the departmental mission and the perceived needs of neighborhood residents; not all neighborhood demands, after all, are legitimate. Precinct performance would be judged on such factors as responsiveness to neighborhood concerns, officer integrity and judiciousness, integration of police activities with those of other problem-solving agencies (private as well as governmental), cooperation with other police precincts, and efficient use of resources. Commanders would structure beats congruent with neighborhoods, assign officers to beats and shifts, and work with those in the community to identify local problems and solutions.

What must be put aside in this mandate for change is the reflexive move to centralize police authority whenever some crisis, especially a corruption crisis, develops. During the mid-1980s, for example, a relatively small number of police officers in a New York City precinct were suspected of financial corruption. An order went out of the commissioner's office: every patrol officer in the department would be rotated from beat to beat every six months. The assumptions behind this order were that familiarity breeds corruption and that police work is so standardized and routinized that officers can be moved from beat to beat with few consequences. The first assumption is arguably true in

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some cases, although I will return to this point. The second assumption, as research and experience have shown, is clearly false. Police work is complex, subtle, and dependent on information. Moreover, citizens do not want strangers policing their neighborhoods. Police must earn the respect and trust of citizens, and that takes time—at six months most officers have just achieved it.

The crucial point is that it is one thing to attempt to organize police departments to prevent corruption; it is something else entirely to organize a department to ensure quality policing. To organize based on the misguided assumption that all officers will cynically exploit opportunities for corruption guarantees ineffective policing. Perhaps many of the draconian anticorruption measures implemented in the New York Police Department after the Knapp Commission report of the early 1970s were necessary because of the systemic nature of corruption then. But these measures—referred to by at least one of their advocates as "management by terror"—have also created an ethos throughout the department of "staying out of trouble." The surest way to stay out of trouble, of course, is to do nothing.

Controlling corruption will always be difficult. But this problem is not unique to policing. In any organization—a university, a pharmaceutical company, a widget maker, or a police department—some corruption will inevitably exist. Acknowledging this does not imply that corruption is acceptable. Both corruption and abuse still occur far too often in American police departments. But citizens must understand that contemporary corruption and abuse do not begin to approach the "bad old days" of ward bosses or the systematic police abuse of African-Americans during the nineteenth and early twentieth centuries.

In no way should this be read as a justification of corruption and abuse. Far from it. It means taking them seriously, but doing the hard work—the *very* hard work—of both maintaining integrity and providing quality police services to communities. Settling for the appearance of control at the expense of good policing is the ultimate form of corruption. The business of the organization becomes looking good rather than regaining control over streets, neighborhoods, and public spaces. Community policing can be made to work only by developing police leadership that inspires a democratic vision of policing—police as an extension of the citizenry rather than as warriors—and by establishing a congruence between the realities of police work and the organization and management of departments. Policing ultimately is neighborhood-based and decentralized—that is its very nature. If police departments' organizational structure and management processes reflected this reality, officers like those in Washington Square Park would be far better able to do what citizens expect of them. ■

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Debbie Meier and the Dawn of Central Park East

Seymour Fliegel

When school officials in East Harlem allowed teachers to design and run their own schools, they sparked a renaissance that has the power to transform the city's public schools. Here former superintendent Seymour Fliegel describes the creation of one of the first schools of choice by maverick educator Debbie Meier.

In the early 1970s East Harlem epitomized the collapse of the New York City school system. Only 16 percent of School District Four's children were reading at or above grade level; morning attendance at Benjamin Franklin High School on East 116th Street was 44 percent of enrollment, and by graduation time 93 percent of the high school's ninth graders had dropped out. But in 1974 East Harlem's predicament began to change with the founding of the first alternative schools. Ironically, it was the severity of the situation that provided us with the opportunity to spark a revolution in public education. School board officials, community leaders, and parents were all desperate; and the central board, embarrassed by one of its most conspicuous failures, was inattentive.

In 1976, Anthony Alvarado, District Four's School Superintendent, asked me to direct the school district's new Office of Alternative Schools. The few alternative schools recently established in District Four were facing a number of common problems, and Alvarado felt that they needed a "friend in court" at the community-school-district level. For someone whose career had been formed in special schools like P.S. 129 and P.S. 146, this was where I belonged. I said yes.

Two weeks after I had moved into my new office, Alvarado called me with an immediate, urgent assignment. "I've got a problem in the Central Park East School between Debbie Meier and some of her parents," he said. "Go see what it's about."

I went over to Central Park East, which was then a fledgling alternative school just completing its second year, to introduce myself to Debbie Meier, the school's director. I did not know her at the time, but she struck me as a smart, strong woman. I could tell from the way she looked at me that she didn't trust me; to her I was just another annoying bureaucrat from the district office meddling in her affairs.

Her wary demeanor aside, Meier knew she needed help, because a group of the Central Park East parents were unhappy with how she was running the school. They had asked the superintendent to remove her from the directorship, and she didn't understand why the superintendent wasn't defending her unquestioningly. "How could Tony

This article is excerpted from Miracle in East Harlem *by Seymour Fliegel with James MacGuire.*

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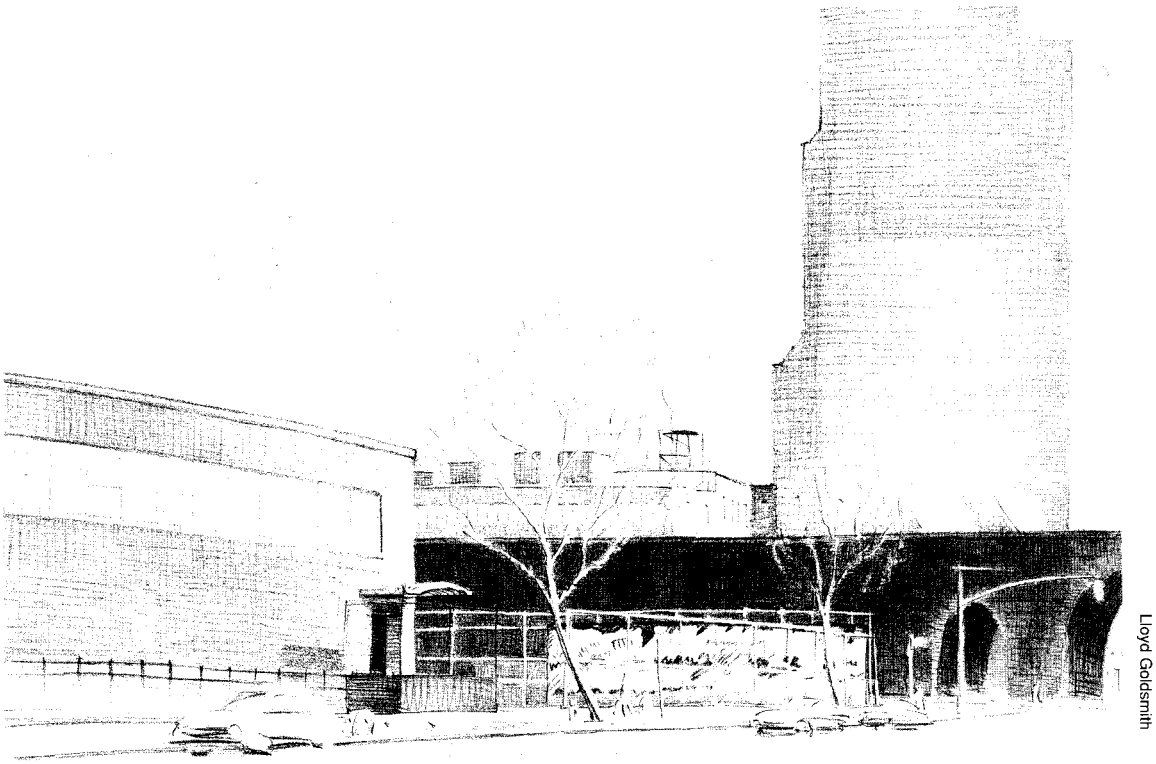

Lloyd Goldsmith

The Central Park East school, from Madison Avenue.

Alvarado have so little confidence in me?" she asked. And I really couldn't answer. We talked a little about the school, and I thanked her and went off to see the parents who were complaining. They proved to be a very articulate and angry group of parents. The problem, as they saw it, was not minor: they wanted Meier removed. "She doesn't listen to anybody," one of them said. "She runs the whole place herself," added another. "She's out of control," said a third.

I was on the spot and had to do something. But what? Debbie Meier has since become a nationally known authority on education, the recipient of a MacArthur Foundation "Genius" award, but in June 1976 that wasn't the case. Central Park East was a struggling school that might well fail; in fact, it had attracted conflict from its very inception. What was not yet clear to outsiders was that it had been deliberately designed to thrive on conflict.

Before taking any action I decided to acquaint myself more with this upstart school and its embattled founder.

Deborah Willen Meier had grown up in Larchmont, New York, and had attended the private Ethical Culture and Fieldston Schools in New York City. After two years in the cooperative work-study program at Antioch College, she embarked on graduate-level study in history at the University of Chicago, during which time she married and had three children. Soon thereafter Meier began her teaching career, substituting in public schools around Chicago.

Once this product of private education began to teach in the public schools, she was hooked:

> From the first moment I walked into a public school I was intrigued. I started teaching kindergarten in the school across the street from my home, but soon I was substituting all over Chicago from grades one to eight. I frequently went into classrooms which had never had a regular teacher. They were forever assigning me to what were called "opportunity classes," which, of course, meant the reverse. Parents were not allowed near the schools. Principals were unbelievably rude, not only to students and parents,

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but to their own teachers as well. And the teachers passed it on! The way teachers talked about kids in those days was scary.

Meier continued as a substitute teacher after she and her family moved to Philadelphia. Then she came to New York and began to work full time, first in schools and then in the education program at City College, where she worked with public school teachers committed to finding new ways to reach difficult students. "The principals paid lip service to us and our aspirations," she remembers, "but the changes didn't last." By the end of 1973, just as she was becoming disgusted by her lack of progress working within the established system, she got a call from Bonnie Brownstein, a science coordinator in District Four. Brownstein told Meier that Superintendent Alvarado had heard about her work and wanted her to start a new school in East Harlem. Meier, attuned to the ways of educational bureaucracies, was skeptical at first, but when she met with the new superintendent, he convinced her that he was serious.

Debbie Meier had been thinking for some years about what kind of school she would start if the opportunity ever arose. She had worked with Lillian Weber, the director of the City College Workshop, on open education, and she had tried to create "open classroom" programs in District Two on Manhattan's East Side. She had developed an educational method which she believed reflected the cognitive development of children, combining John Dewey's learning theory with more recent psychological investigations of Jean Piaget. In place of the standard system, which emphasized covering a prescribed curriculum, Meier and her associates proposed a pedagogy based on "open classrooms" where teachers would provide children with stimulating materials, observe them working and playing with those materials, and, guided by their observations, offer each child assistance to extend his or her skills and interests. Meier wanted a school that was small and run by the staff, not from above. Now with Alvarado's backing she would have a chance to put her thoughts into action.

It would not be easy. Meier's new elementary school, Central Park East, was to be housed on the second, third, and fourth floors of P.S. 171, a run-down, seventy-five-year-old elementary school on East 103rd Street between Madison and Fifth Avenues. The physical facilities could hardly have been less hospitable to the open classrooms the staff aimed to create. Neither the parents in the neighborhood nor the other teachers in District Four understood what the school was trying to accomplish, and they regarded Meier's efforts with attitudes ranging from indifference to outright hostility. Local educational conservatives, on the other hand, were equally mistrustful of what they saw as the school's permissiveness.

Debbie Meier was undeterred.

She wanted to start slowly, with just a kindergarten and a first grade. She asked for the authority to hire her own staff, which would develop its own curricula. There would be one rule: Children would come to Central Park East because their parents chose that school for them. It was a choice school from the start, and parents were required to visit with their children in order to gain admission. Beyond that, Meier set forth no policies and promised no particular results.

Meier had little difficulty recruiting a group of teachers who shared her dream for a new kind of public school. When Central Park East opened its doors in the fall of 1974, there were just thirty-two students, twelve each in two kindergarten classes, and eight more in first grade. Nevertheless, those children who walked through the doors for their first day of classes discovered a rich world welcoming them. As Meier recalls:

When we arrived in mid-August we built at least ten storage units, two playhouses, a puppet stage, three writing tables, several book display racks, room dividers, etc. We organized and stored all our personal materials—paints, magic markers, science equipment, art materials, and books. We bought some things—typewriters, a variety of beginning reading books, wood and drywall for

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building, paint and brushes, rugs for the reading corners.

As the first school days passed, parents with small children in tow began appearing in Central Park East classrooms, asking to enroll their children. Within three months enrollment in the kindergartens grew by 50 percent, and a waiting list burgeoned of parents interested in enrolling their children the following year. By midyear, as parental interest swelled, enrollment reached eighty-five students. Some parents were well educated and liberal, others were poor and uneducated. But in Central Park East they all found a school that seemed right to them and their children. One of the students later described her experience this way:

> Where we came from it was all sitting down at a desk and writing at the same time, and doing math at the same time. As the first week went by at Central Park East we were all very excited about the school, and what we were doing was so different from what we had done before.

From the beginning the staff at Central Park East fought to integrate children who would otherwise be certified as "special education students" into the mainstream program. They resisted giving up any students to the ostracism of a special-education setting, believing that if they could retain slow learners in the regular environment, they would find a way to help them learn. Originally a source of bitter contention, the Central Park East approach was fully vindicated in time by Meier's receipt of the MacArthur grant and the local families' loyalty to the school.

The Central Park East staff tried hard not to pressure students to worry about any "normal" pattern of achievement, but by midyear, many of the older children who had entered Central Park East as nonreaders were reading without difficulty. Meier confessed that their progress was so startling that she suspected that the children already knew how to read, but had been unable or unwilling to reveal it to their parents or teachers.

The school tried to create an environment that was an extension of the children's families, a place where both children and parents knew they would be accepted and cared for rather than judged. In matters of discipline, Central Park East stressed mutual respect rather than fear. Teachers spent time explaining to students why certain forms of behavior made it impossible for others to do their work; they tried to teach children to empathize with others and to understand the impact of their actions on others. In short, during a decade in which some floundering schools questioned whether any values should be transmitted through public education, Central Park East strove to instill a moral sense in its students.

Central Park East especially tried to enlist parents in the learning process, informing them regularly about what was happening at school so they would not see education as a threatening or alien activity. Parents were encouraged to spend time on homework and to read aloud to their children or to have their children read aloud to them. Moreover, there were frequent parent-teacher meetings, at which teachers dealt with parents on a basis of respect: the message was that Central Park East valued the parents' ideas and contributions.

The essence of Central Park East was a group of highly dedicated teachers who understood that the child must be the center of education. They believed that educational programs must be built around the abilities, interests, and needs of particular children, fortified by a loving humanism. It was a progressive program of child-centered education. But it required complete commitment, long hours, and many practical innovations to implement effectively.

Meier, for example, organized her own class around the theme of New York City's natural environment. Children studied New York's geography and visited Central Park often; they observed animal and plant life and noted the rock formations. These trips were supplemented by visits to museums. Meier believes that such outings enabled her children to get to know the world beyond East Harlem and gave them a sense of resources they could return to throughout their lives. She observed that "outside the classroom children tend to observe things more keenly and to ask more questions."

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Everything went surprisingly smoothly during Central Park East's first year, and Alvarado expressed his confidence in the school's success by asking the staff to double Central Park East's size to 150 students by the next September, adding grades two through five to the program. And yet, in the fall of 1975, Central Park East's very existence was threatened by deep-seated conflicts. Bedeviled by another of New York's perennial financial crises, the administration of Mayor Abraham D. Beame had forced drastic cuts in the Board of Education budget, which meant that thousands of teachers were laid off. There was a system-wide reshuffling of teachers, as those "excessed" from one school exercised their seniority rights and claimed positions in others. As Alvarado recalled, "We tried a number of creative ways to ensure the kind of teachers that were required to run a program like Debbie's, and it involved a lot of risk-taking."

Bending the rules when hundreds of teachers were defending their rights to their jobs was not always easy. To make matters worse, when Central Park East opened for its second year in the fall of 1975, two teachers were unexpectedly stricken with serious ailments. Debbie Meier was teaching a combined class of forty-two third, fourth, and fifth graders, most of whom were new to the school, while continuing as director.

As the year went on, strains within the staff began to mount. The democratic staff organization that had seemed to work so well the year before was now breaking down. From the beginning Meier had brought the staff together to function as a sort of teacher collective. "What I was seeking was the kind of ease, trust, and mutual respect that would permit us to avoid absolutely rigid distinctions and fully spelled-out roles." But in practice, the staff's search for consensus consumed more and more time. While the teachers acted as if all were equal, they held Meier responsible for solving major problems. And while Meier professed a belief in functioning democratically, she believed she had the right to act unilaterally when it came to make-or-break issues affecting the school's best interests.

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Opposition mounted outside Central Park East as well. The central board refused to grant waivers to keep schools open beyond specified hours for those teachers who wanted to come in early or stay late. The new principal of P.S. 171, which housed Central Park East, waged a series of time-consuming turf wars over who had what prerogatives within the school building. The teachers' union became suspicious of Central Park East's flexibility. And a small number of vociferous parents voiced misgivings about having their children's education controlled by "a white Jewish lady."

Toward the end of the school year, a group of angry parents brought their complaints about Central Park East to Alvarado, and this is where I came in. For the next week I made it my business to visit the school every day. I talked to Debbie Meier, to the teachers, to the students, and to the parents. I looked around the school. Whenever I go to a school I observe the children, and if they are involved and paying attention, I know that there is learning going on and that it's a good place for a kid to be. I was not disappointed with what I found at Central Park East.

I held three meetings with the parents before going back to Debbie, listening attentively to their point of view so I really could understand it. There's a mnemonic I used: AIR, which stands for "acknowledge" (I acknowledged to the parents that their information was serious and important), "investigate" (I spoke to the teachers and observed the students), and "respond" (I met with the parents on a number of occasions to tell them what I had found out).

The truth is, after all my investigating, I determined that Debbie Meier was running a superior school. She regarded kids as individuals, an approach that my own teaching experience had convinced me was essential. She cared about youngsters, about learning, and had assembled a staff excited about education. There aren't enough people like that in the world, so when you find the Debbie Meiers, the people who really try to do something, you have to stand by them. They will make some mistakes, and they will always draw fire. But ultimately, people like Debbie and schools like Central Park East are always worth protecting.

The dissident parents in this case simply wanted control of the school and would not be satisfied with anything less. They distrusted a white outsider like Meier who thought she knew what was best. I could see how Meier could be too forceful in her opinions, but I also knew that she was the right person for that school. I therefore strongly recommended to Alvarado that we back Meier to the hilt. You support good people, I told him, even when they make mistakes. That's what support is all about. And Alvarado agreed.

So I went to the parents. I told them in the nicest possible way that even though some of their complaints were true, they were far outweighed by the fact that Central Park East was a really good place for kids. Meier was staying, I told them, but I would do everything I could to see that their children were placed elsewhere if they so chose. In the end fifteen families decided to leave Central Park East, and I got every one of them into a school of their choice. The crisis was over, the credibility of the new Office of Alternative Schools was enhanced, and a lasting friendship began.

I had learned an important lesson, too. When push comes to shove, you have to support your good people. Debbie Meier soon decided to leave the classroom and assume the role of full-time director. She had come to see the importance of having one person clearly responsible for making sure that staff decisions are implemented, and, taking a page from my book, she told each of the teachers that they were free to leave Central Park East if they wished. Two of the school's seven teachers chose not to return.

When the air cleared, we saw that the overwhelming majority of parents had decided to keep their children in Central Park East, and a similar proportion of the faculty had chosen to stay, a vote of confidence that gave the school a newfound vitality. We did not know it at the time, but we had inadvertently discovered the invigorating power of choice. By the time classes resumed the following year, Central Park East had entered a new phase and had begun to develop its own distinctive culture—and an approach to urban education that would soon spread to other East Harlem schools.

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Inside their own classrooms, Central Park East's teachers were able to realize the dream of virtually all teachers—they could run their classes on their own, without interference or interruption from outside authorities. The result was an astonishingly rich educational program. One year, for example, Central Park East's curriculum included extensive mapmaking, studies of Native American woodlands culture in seventeenth-century Harlem, Egyptian and Roman history, the Dutch settlement of New York, printing and newspapers, the emergence of cities (including a mini-study of the neighborhood around the school), and African-American history.

But children at Central Park East were not simply presented with a set of facts to learn from a textbook; instead they were given the opportunity to explore unfamiliar territory. They participated in a wide variety of activities aimed at bringing civilization to life, thus enabling the children to understand and appreciate that civilization more fully. When Leslie Stein's third-grade class studied medieval society, they not only read books but built castles, made armor, and visited the Cloisters in upper Manhattan. Carol Mulligan's kindergarten and first grade developed the idea of building a mythical city, one that might resemble one of the very first cities of the ancient world. Central Park East's approach taught children how to ask questions and helped them form the proper foundation for critical thinking.

Meier's pedagogical goals have remained clear and constant for nearly twenty years at Central Park East. She aims to create a better informed, better equipped, and more engaged person who can play a greater part in her community.

> My ideas on teaching and learning focus on small "d" democratic values, by which I mean a respect for diversity, a respect for the potential of each individual person, a respect for opposing points of view, and a respect for considerable intellectual vigor. My concern is with how students become critical thinkers and problem solvers, which is what a democratic society needs. If we believe that our schools are failing us and that children can't learn the basic skills, then what we are saying is that democracy is a utopian ideal, an impossibility, and I just don't believe that. There is nothing in the nature of being human that makes democracy an impossibility.

Admittedly, not every teacher would favor adopting Central Park East's methodology. Debbie Meier is a politically committed, unabashed social democrat, and she and her cohorts were staunch believers in progressive education. In some quarters Meier's agenda provokes substantial skepticism; the average parent may not know much about the educational crisis, but strongly suspects that it all started with the new math. To a lot of people, "progressive education" sounds like something that has failed already.

Disputes about educational methodology, however, miss the point here. In practice a capable, committed, caring teacher can use almost any method and achieve good results. The really important factor is the energy and effort expended. If the school is doing its job well, it will find a receptive audience, and it will provide quality education, as long as it has a methodology and philosophy. Other District Four alternative schools were to be far more traditional in their curriculum and methodology than Central Park East, but they would have no trouble attracting students and parents for whom their approach was well suited. A diversity of schools, in fact, is healthy. I have never felt uncomfortable knowing that Debbie Meier considers Manhattan East, an alternative school we established in 1981, to be elitist, because it seeks out high-achieving students in academics and the arts. She is entitled to that opinion, and the students, parents, and teachers who built Manhattan East are entitled to theirs. As educational researchers have consistently found, schools that are given the opportunity to define their own missions are routinely superior to those that have been dictated to from above.

Thus, a second and equally valuable aspect of Central Park East's "open classrooms organized around a theme" methodology was that it gave teachers an opportunity to follow their own interests, rather than repeat the same lessons year after year.

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"Curriculum development," as it was called, gave teachers a good reason to read about societies that interested them, to fill in gaps in their education, and to take interesting trips in the summer. It motivated teachers as well as students.

Alice Seletsky, who has taught at Central Park East since 1977, opens a window on the school's ethos when she says, "What I like best about teaching is that there are no easy answers to anything. Even after thirty-five years, I have to keep wondering, tinkering, changing my mind, learning." Seletsky is an innovative teacher, but her innovation is nothing mysterious. What she does is spend time with the kids who most need her. "I believe I come to know children more fully through their works," she explains, "and they begin to know themselves through producing them." These are the words of a gifted teacher. But her gift does not reside in the fact that she uses a particular educational methodology. It resides in the fact that she is willing to give of herself freely, fully, and lovingly to her students in ways that suit her and her students best. All Alice Seletsky needed to be a good teacher was a system that would let her do just that.

By matching teachers with compatible educational environments, schools of choice enabled once-frustrated educators to feel better about themselves. Having teachers participate in curriculum design might improve the curriculum, but it definitely improves the morale of teachers, who sense that they are making a positive contribution. And good morale, above all, makes for a good school. Classrooms like Alice Seletsky's constantly stimulate children to ask new questions and try out new skills. Her classroom reflects her own personality, curiosity, ethical concerns, and educational commitment. Most of all, it reflects her selfless hard work, a contribution no one in any school can absolutely guarantee, but which a choice system by its very nature does the utmost to encourage.

When you feel you have a stake in your school, whether you're a teacher or a student or a parent, you're willing to work harder, make sacrifices, and

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protect and build up your highly personal investment. The sense of ownership that naturally develops is what has energized the students, parents, and staff at Central Park East for nearly twenty years.

Central Park East's children came to feel they owned the school, and this is partly because of the enthusiastic participation of their parents. Aurea Fernandez was one of Central Park East's original students in 1974. Her mother, Josie, began to work at Central Park East as a school aide, helping out in the lunchroom. Later, Josie worked as a paraprofessional in the classrooms, and ultimately she became the school secretary.

Two of Josie's other children also came to Central Park East. They were nice kids, and the education they received, coupled with the opportunity to interact with children from other parts of the city, gave them the boost they needed to grow beyond the world they had known in East Harlem. Aurea graduated from Central Park East and went on to an alternative junior high school in District Four. Her brother Manuel did the same, and attended Cathedral High School. Both children went on to Brown University on full scholarships.

Then Aurea returned to New York and entered graduate school at Columbia Teachers College. Josie died a few years ago, but not before she had the satisfaction of seeing her kids make it in the world. In the fall of 1992, Aurea Fernandez joined the faculty at the Central Park East Secondary School.

Teachers at Central Park East show an extraordinary degree of dedication. In the standard New York City public school, teachers rarely talk with each other informally about what is happening in their classrooms. In weekly grade conferences, teachers may discuss issues, but all too rarely is education the focus; more often it's the overcrowded faculty parking lot or some other utterly superficial side issue. In contrast, at Central Park East the teachers talk about what's going on in the heads of children—for instance, do they really understand what democracy means when they have to ask for permission to go to the bathroom? Such child-centered talk is a constant preoccupation of the staff, whether in the teachers' lounge, in car rides to school, in the hallways, on school trips, or on regularly organized staff retreats. All of this dedication and hard work rubs off on the kids—they reflect it right back.

As enthusiastic reports about Central Park East spread, the waiting list of prospective students grew so long that Meier opened a second elementary school in 1980, Central Park East II, and a third elementary school, River East, in 1982.

In the wake of their success, Meier began to see the need for a secondary school as well, to accommodate not only the graduates of her schools, but other students who might respond to open classrooms. Though Meier had spent her entire career as an elementary school teacher, she was fascinated by the challenge of starting a secondary school that ran from grades seven through twelve. About this time, Professor Theodore Sizer of Brown University was organizing his National Coalition of Essential Schools. Sizer propounded nine principles. Briefly stated, these principles include the idea that less is more; that it is better to know some things well than to attempt to cover many things superficially; that high standards must be set for all students; that students demonstrate mastery of their subjects through exhibitions and portfolios; that teaching and learning must be personalized; that students are perceived as workers and teachers as coaches; and, finally, that youngsters discover answers and solutions to problems by being active learners. In Sizer, Meier found a kindred spirit and an effective ally. She based her new high school, Central Park East Secondary School, on Sizer's principles, and the school opened its doors in 1985.

The achievements of the Central Park East schools have been gratifying. Out of the more than two hundred students who graduated from Central Park East in the years 1977 to 1984, only two are known to have dropped out of secondary school. (In the city as a whole, more than 40 percent drop out; more than 60 percent of minority children drop out.) Just as impressive, in Central Park East's first decade not a single student was suspended. Of the first two graduating classes of the Central Park East Secondary School in 1991 and 1992, over 90 percent went on to college.

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Scores on citywide standardized tests reinforce this picture of educational achievement. Since 1979, at least 90 percent of the school's sixth graders have scored at or above grade level—a startlingly high figure when one realizes that for most of the years under study, a large majority of Central Park East's second graders were reading below grade level. The data indicate that many Central Park East students caught up with and surpassed the national norm during their school years.

Such statistics would be misleading if Central Park East had simply skimmed the cream of the community's students, selecting only the motivated and well-prepared children. But this was not the case. Central Park East generally followed a first-come, first-served policy, from which it deviated only in two ways: it strove to be racially integrated, and it gave preference to the younger siblings of current students. Indeed, in many instances the opposite of skimming took place. Many parents chose Central Park East because their children were not doing well in neighborhood schools and because it had a reputation for handling difficult children. Some 20 percent of the students at the Central Park East schools have learning disabilities, but they are "mainstreamed" into heterogeneous classes rather than isolated in special ed classes.

Meier's success did not go unnoticed. In 1992, Schools Chancellor Joseph A. Fernandez invited Meier to create a series of new schools. Working with Theodore Sizer, Meier raised three million dollars to help create six new schools on the model of Central Park East Secondary School. The new schools began operating this fall on the Upper East Side of Manhattan. The plan is for the schools to eventually replace Julia Richman High School, a failing school of several thousand students on East 68th Street. Instead of entering Julia Richman, this year's ninth graders have been enrolled in the new schools. In two years, the plan calls for the new schools to move into the Julia Richman school building, whose space they will share. Meier was recently invited to create six more schools, and sites throughout the city are being studied.

The Central Park East schools are an example of what talented teachers can do when they are free to design their own curricula and run their own schools. In District Four, we told teachers with ideas for their dream schools, "Go ahead and try them. We'll support you." The most common initial reaction was disbelief. Their second reaction was to go out and start a lot of wonderful new schools that did not look like one another or like regular public schools.

What started as a desperate response to a crumbling school district has turned into a vigorous and vital renaissance with the potential to transform the city's schools. Indeed, the transformation that Debbie Meier and other educators have brought about in East Harlem can be a model for reversing problems in the schools on a national level. We believe that bureaucracy does not solve problems; it creates them. We understand better than ever today that there is no such thing as just one way to educate all children. These forces are leading us in the direction of de-bureaucratization, decentralization, school-site autonomy, and choice for parents, students, and teachers. It worked in District Four, and there is more than sufficient reason to believe that it will work in many other places as well. ■

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Getting the Mayor Back in Touch

Ross Sandler

New York City's management structure is the biggest obstacle in the way of better municipal services. Here are five steps Mayor Giuliani could take to improve city government.

Rudolph Giuliani takes office facing deep and serious problems with the way New York City is run. The city spends $31 billion a year—far more than any other U.S. city—but provides services that many New Yorkers find unsatisfactory. Staten Island's vote for leaving the city, nascent secession movements in other boroughs, and the approval of term limits for city officials show how great this citizen discontent is. Why is the city unable to provide acceptable services? The answer lies in the way city government is managed: it is locked in to a Byzantine system of management that undermines agency leadership, stifles innovation, hampers talented managers, demoralizes city workers, and shields everyone from accountability.

In theory, New York City's charter sets forth a simple model of management: the mayor is responsible for the operations of city government. He appoints commissioners, who manage their agencies. If the commissioners do a bad job, the mayor can fire them; if the mayor does a bad job, the voters can vote him out of office.

The reality, as one might expect, is far more complex and less clear. Successive mayors have created an impervious layer of staff between themselves and agency heads. These "oversight" offices go by various names such as deputy mayor (of which there were six under Mayor David Dinkins), assistants to the deputy mayors, directors of mayoral offices, and heads of departments, such as the Department of Personnel, which control the resources an agency needs to function. These officials lack firsthand knowledge of the agencies they oversee and have no personal stake in their success. Supposedly created to ensure mayoral responsibility, the expansive city hall staff and powerful oversight agencies have produced the opposite effect. Mayoral authority has become so widely diffused that it is no longer possible to hold any person or office responsible for a particular decision or action. Moreover, city hall staff and oversight agencies gain power by stripping commissioners of the authority to manage their agencies. This becomes even more pronounced in time of crisis, particularly budget crisis, as the mayor and his staff take more direct control of the management of agencies.

Paradoxically, then, city government suffers from the worst aspects of both centralization of power and diffusion of authority. The authority to manage agencies is drawn into city hall and away from

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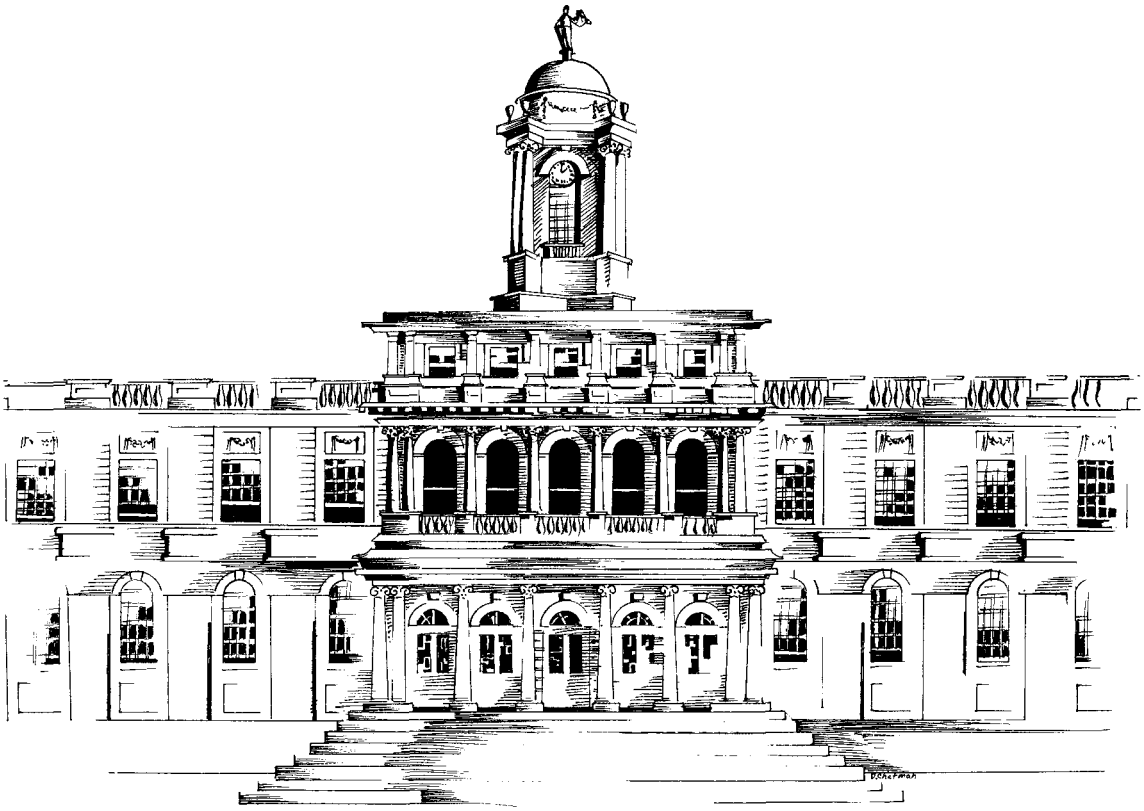

Dan Chatman

City Hall, New York

commissioners at the same time as responsibility for any given action is spread among oversight agencies. No matter what the problem, the mayor can point to some system in place and to multiple offices and agencies supposedly responsible. And commissioners lack the power to manage. Neither they nor the mayor can be held responsible for accomplishment of their assigned charter roles.

The problems with the city's management system are usually hidden from the public. In 1993, however, three unprecedented reports—on asbestos in the schools, the Parking Violations Bureau contracting scandal, and the Crown Heights disturbance of 1991—lifted the veil, revealing a series of errors associated with centrally controlled, top-heavy bureaucracies:

Inattention to basics. Workers in the schools know exactly what to do about asbestos—keep their buildings in good repair so that asbestos does not flake off water-damaged walls or shredded pipe insulation. But routine maintenance of school buildings has been so notoriously poor that in 1988 the State Legislature created the School Construction Authority to take over construction of new schools. Repairing old schools, however, remained the job of the Board of Education, which, with the city, continued to underfund regular maintenance and failed to supervise custodians adequately. Over the past four years, the backlog of school repair work orders has doubled to forty thousand.

Intrusion into agency management. The Parking Violations Bureau scandal was not a PVB scandal—it was a city hall scandal. Three city hall oversight agencies directed the ill-fated request for proposals to privatize much of the bureau and the subsequent negotiations with Lockheed Information Management Systems. Staff of the first deputy mayor, the Office of Management and Budget (whose director was fired in the aftermath of the report), and the Mayor's Office of Operations took direct control of Parking Violations Bureau contract processes over the objection of the agency. The intrusion by a committee of city hall oversight

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agencies resulted in confused and potentially illegal shortcuts and favoritism.

Garbled instructions. During the Crown Heights disturbance, none of the top four city officials directly responsible set clear objectives that would have allowed commanders at the scene to act promptly on their own observations. Neither the mayor, first deputy mayor, deputy mayor for public safety, nor police commissioner took decisive action. The one high official who did act, the deputy mayor for intergovernmental relations, set up his own lines of communication with the rioters and worked independently of the police and others at city hall. Communications from the scene proliferated, but information arrived at city hall in a fragmented and confusing form. Police commanders and officers in Crown Heights did what bureaucrats usually do in such circumstances—they took no risks and waited for unambiguous orders. Officers remained immobilized until a direct command came down to do something else.

These problems were far from unique to the Dinkins administration. The growth of power at city hall dates back at least as far as the era of Mayor John V. Lindsay. Scholars of city government at that time and before treated the city's agencies as political powers that needed to be brought to heel and controlled by the mayor.

In 1961, the city charter placed the Bureau of the Budget under the mayor's control; it had previously reported to the entire Board of Estimate. The charter had also taken major operational responsibilities, such as street and highway construction and maintenance, away from the borough presidents and given them to the mayor. Mayor Lindsay's most prominent structural reform—the assembling of related agencies into a so-called superagency under a single administrator—was part of the attempt to bring the city's operational agencies more firmly under the control of city hall.

These efforts achieved partial success, but the zenith of centralization—which joined control of the budget and management in a single city hall office—came with the budget crisis of the mid-1970s. In 1974 Mayor Abraham Beame issued an executive order creating a Division of Management within the Bureau of the Budget. The next year, the City Council, by local law, changed the name of the bureau to the Office of Management and Budget and at the same time eliminated the Office of the City Administrator, which had been established in an important 1953 charter reform. The city administrator was to have been the mayor's chief managerial assistant, supervising and coordinating the work of the agencies. But Mayor Robert F. Wagner declined to put the Bureau of the Budget under the city administrator, resulting in a continuing jurisdictional struggle. With the 1970s budget crisis, controlling the budget rather than managing for better service delivery became the ascendant goal. In awarding a victorious "M" for management to what became OMB, the City Council merely recognized the shift that had already occurred.

Another indication of the centralization of power in city hall has been the phenomenal growth in the mayoral staff. In 1959, Mayor Wagner had only 12 assistants, supported by 45 other employees, for a total city hall staff of 57. Today the Mayor's Office employs more than a thousand people—not including the five hundred OMB workers, whose predecessor agency was not under the mayor in 1959.

The growth reflects an appropriation of agency

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management functions by city hall staff. This is the antithesis of what the mayor needs to discharge his responsibility under the charter. In their still vital 1960 volume, *Governing New York City*, Wallace Sayre and Herbert Kaufman set forth a more appropriate vision of what city hall staff should do: "[The] help most needed by mayors is in its essence political help and advice, supplied by persons sensitive to and sensible about the mayor's full dimensional role in the city's political contest, aware of the subtleties of strategy in the timing and boldness, the caution, or the finality with which the mayor uses, for his purposes of leadership, the resources of his office. It is the political help (in the broadest sense of the word 'political'), rather than managerial assistance, that the mayor most needs."

If the city is to deliver the kind of services its citizens need and demand, the mayor must leave agency management to his commissioners and hold them directly accountable for their work. On his own, without any new legislation, the mayor could break the stranglehold that city hall staff and oversight offices have over commissioners and their agencies, by taking the following five steps:

1. Restore management responsibilities to the agencies, leaving city hall in charge of the budget.

It has become an annual ritual for the director of OMB to walk into city hall and declare a budget crisis. To bring the budget into balance, OMB calls for immediate and painful cuts, a freeze on hiring, and tough controls by which OMB exercises even more power over city government. OMB's concern with fiscal integrity is appropriate for a budget agency, but it also means that management reform as a mayoral priority flies out the window—as it has for the seven years since the stock market crash of October 1987.

OMB, the preeminent city hall staff agency, asserts its authority through rules rigidly controlling agency expenditures, management, and innovation. In self-defense, virtually all commissioners mislead OMB regularly, requesting more money than they will need in the expectation that their funding will be cut. These equivocations often mean the difference between success and failure. OMB officials, not blind to this strategy, develop an intense professional skepticism about all agency budget requests. The bilateral lack of candor results in highly destructive internal wars. Former OMB director Philip Michael's caustic description of transportation commissioner Lucius Riccio, and vice versa, during the Parking Violations Bureau scandal are unusual only in that the two officials went public with their feud. Such disputes are daily events, and city hall views them as further proof of the need to control agencies and their commissioners.

The managers of city agencies have one undeniable advantage over city hall—they have a personal stake in successfully carrying out their mission. This is not a small matter; managers' desire to succeed is the basic building block for improving city services. City hall staffers prefer success too, but they perversely tend to view an agency that identifies too closely with its mission as disloyal. An agency head who takes his mission too seriously is seen as a special pleader captured by the bureaucracy.

Mayors Koch and Dinkins both relied on the Office of Operations, an oversight agency reporting directly to the first deputy mayor, to plan, coordinate, and oversee the management of city agencies. Operations, with a staff of about 160, has brought about some important management initiatives, but its organizational flaws limit its ability to ensure effective management. Operations serves as city hall's whip to the agencies as often as it acts as an advocate on their behalf. Moreover, since Operations does not directly approve budget requests or management initiatives, it suffers from a fatal disadvantage against the all-powerful OMB. Operations can plan and suggest, but OMB ultimately decides. And even when Operations functions well, it takes a top-down approach. Relying on a city hall oversight staff to think for the agencies is a formula for failure.

The pendulum has swung too far in favor of oversight management, particularly oversight management that resides in the office primarily concerned with agency budgets. In order to restore

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managerial zeal, the mayor should direct OMB to concentrate on the budget and demand that commissioners take personal responsibility for the management of their agencies.

2. Thin out city hall.

The mayor's cabinet should include top commissioners who have actual responsibility for city services. Today the mayor relies on a palace guard of deputy mayors, mini-mayors, and city hall officials who lack direct knowledge of agency management needs, do not actually operate anything, and have no personal stake in the success of the agencies they oversee. City hall is laced with small, specialized offices, some of which are plainly political (such as the Office of Latino Affairs and Office of Jewish Community Affairs), while others coordinate substantive matters cutting across several agencies (Office of Environmental Coordination, Office of Construction). The proliferation of these offices is not always pernicious. What is pernicious is the way in which these city hall officials separate the mayor from the commissioners and their agencies. The mayor, as commander-in-chief, needs a regular flow of information and advice from his commissioners, the generals in the field. Layers of city hall officialdom cut off the flow of information and insulate the mayor from the facts.

City hall jobs inevitably become the focus of a new mayor's supporters when it comes time for them to collect on political debts. But because city hall plays only an indirect role in delivering services, the performance of city government is ultimately determined by the agencies and their commissioners. The mayor needs to create a city hall structure that draws commissioners into its inner circle, not one that walls them out.

The proper work of city hall staff falls into three major categories: controlling the budget, coordinating programs that involve multiple agencies, and responding to crises. Almost everything else in government can be better performed by agency leadership and city workers. The mayor should recognize this, remove the city hall staff from operational decisions of agencies, and insist that commissioners be responsible for agency results. A small city hall staff offering "sensitive and sensible" political counsel, as Sayre and Kaufman called for, will serve the mayor best.

Past mayors have had some success in dealing with this problem. Though Mayor Lindsay's superagencies represented an effort to centralize city government, Lindsay did rely on their administrators like a cabinet—in sharp contrast with Mayor Dinkins, whose cabinet consisted of six deputy mayors. Mayor Koch frequently went around his deputies, often to their dismay. For example, he used his monthly town meetings to collect information directly from the public. These meetings took place in each of the city's community boards, usually in public school auditoriums, and were often attended by five hundred or more people. Mayor Koch lined up as many as thirty of his commissioners along a front dais, and took questions from citizens for ninety minutes. When a complaint arose about a particular agency, Koch asked the commissioner for an explanation on the spot. In his direct fashion, Koch ordered solutions that ranged from changes of policy to promises to investigate and report back. These meetings had a political function, of course, but they also closed the information loop between citizen, commissioner, and mayor.

3. Give agency heads control over the resources they need to fulfill their missions.

Without this authority, they cannot be held responsible for their performance.

Agency heads must obtain prior approval from oversight agencies for many of their actions. OMB has such power over many contracts, hiring decisions, and expenditures; numerous other mayoral offices have similar authority. This authority is vested in city hall in the name of preventing corruption in city agencies, controlling the budget, and similar concerns. But in almost all cases these issues could be addressed just as well by auditing decisions after the

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fact—an approach that would not entail the time and opportunity cost or the loss of responsibility occasioned by multiple sign-offs.

Aside from OMB, the two most important agencies controlling resources for an operating agency are the Department of Personnel and the Department of General Services. Personnel has authority over hiring and allotting managers' job titles, work assignments, and salaries. General Services is the quartermaster of government—it assigns office space, handles most procurement, and is the only agency authorized to lease or purchase real estate for city offices. These two service agencies are the hidden, invisible powerhouses whose actions often mean the difference between success and failure.

Despite their importance, the two agencies often languish with inadequate staffs and limp leadership; on occasion they have become political dumping grounds. They are generally not involved in the early planning stages of major decisions. Their rules and precedents silently undermine change and anchor city government in generations of traditions, prejudices, and rationalizations. No matter how hard an operating agency head swims, he may never keep his head above the cascading rules and decisions of these mayoral agencies.

The new mayor should assign his best managers to head these two backbone agencies. He should direct them to clean house, delegate to them all the authority allowed by law, and hold them responsible for meeting the deadlines and needs of operating agencies—not the reverse.

4. Reform policies that prevent commissioners from building a superior managerial staff within their agencies.

City government today is like an army without sergeants. It has great generals and terrific recruits, but a paucity of leadership at the work level. Every administration says it will improve managerial recruiting and training. The Dinkins administration initiated a number of important management training programs, but they still are not enough. The mayor should make the care and retention of good city managers a top priority in every agency.

Especially important is the development of a superior engineering corps. New York's bridges, water system, road and highway system, and buildings reflect the city's prior history as the center of spectacular civil engineering. Today the city fails to attract and train the new generation of engineers and engineering managers needed to maintain that legacy. The deterioration of much of the city's infrastructure can be blamed directly on the failure to maintain its engineering corps.

The failure to develop managers within the city system is caused by a number of problems endemic in public management. Expenditures to support managers—such items as paid release time and travel for training, professional society dues, hiring motivational or executive leadership experts, establishment of an elite managerial group, and improving office conditions and equipment—may be seen as wasteful by a critical public. Yet these and other programs are routine for many well-managed corporations, and have proven their worth.

Most high-level city jobs offer competitive salaries, or at least a high potential for job satisfaction. But money is still a motivator, particularly if linked to recognition. In 1989, Mayor Koch established a program to reward superior performance by managers with a cash bonus. A commissioner would award $500 or $1,000 to a manager immediately after a successful effort, preferably the next week or even the next day. Koch required written guidelines and pre-award review by an official outside the agency. In the Department of Transportation, we gave one round of awards, at informal ceremonies in front of each manager's colleagues. Feelings of pride and accomplishment washed over the room. But no other agency took advantage of the program, and it died.

City managers fear punishment for failure but anticipate little recognition for success. Almost all the city managers I know can recite a personal story in which they were denied a benefit or suffered an insult because of the personnel system. City managers are investigated by inspector generals, audited

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by politically motivated outsiders, and reported on by usually unsympathetic media. They live with conflict-of-interest rules far stricter than those found in private industry. They cannot control most of their work environment, their budgets, their assignments, or the measures of success imposed upon them. These unique working conditions call for more intensive training rather than less, and for sustained positive reinforcement.

City government still attracts top-flight candidates who are the equal of those in any private corporation. A sustained investment in these people will pay dividends for decades to come.

5. Reinforce the natural pride city workers take in performing civic work.

The art of mayoral leadership lies in projecting a vision that is clear enough to allow the lowest-level employee to understand how his work fits into the overall plan. When city hall fails to enunciate clear policies, is confused, or misunderstands actual field conditions, the bureaucracies hunker down and wait for inescapable orders. They cannot afford the risk of being second-guessed and blamed for actions initiated on their own.

The manner in which the mayor sets up and runs city hall instantly sends a message to tens of thousands of city workers, who have unfailingly accurate antennae for the nuances of management. These workers sense when the mayor will back their commissioner's initiatives and when he will not. A management system that works against initiatives and innovations within the agencies cannot hope to improve services.

As chief executive officer, the mayor has to concern himself with worker morale just as much as any company head. One only has to attend an agency awards ceremony to sense how important recognition is—and how demoralizing the lack of positive reinforcement can be. Business management books consistently advise strong reward programs and direct contact between upper management and workers. What works well for private business works even better for government, which cannot fall back on direct monetary rewards for many jobs.

City workers I know were embarrassed by reports on the Crown Heights disturbance, asbestos in the schools, and the Parking Violations Bureau fiasco. They cannot defend such failures and grow doubtful about continuing with the city. They are sometimes asked by others why they stay with their jobs. If you are so smart, the questioners seem to say, why are you still with the government? These workers want government to be better, to be professional, to be efficient, and to be respected. Reform of city government depends upon their loyalty and energy. Any plan to bring the budget into line or to improve services must begin with a management scheme that reinforces the best instincts of the people who carry out the program.

The strategies that are most likely to succeed are those that focus first on city managers and workers. These strategies place rely far more on commissioners and their agencies and less on city hall staff and oversight agencies. They reverse a nearly continuous trend over the last forty years in which the city hall staff and oversight agencies have grown in importance, size, and power at the expense of the agencies that actually do the work of government. By reversing that trend, the mayor can take the first step toward successful reform of city government, laying the foundation for the kind of management that will lead to a balanced budget and better government services. ■

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New York's Needless War over Water

Richard Miniter

Under a federal clean-water law, New York City must either spend billions filtering its water or enact a virtual ban on upstate development. But this dilemma is unnecessary —New York's water is clean and likely to stay that way.

New York has the cleanest municipal drinking water in the United States—but the Federal Government wants the city to spend billions of dollars cleaning it up.

Environmental Protection Agency regulations based on 1986 amendments to the Safe Drinking Water Act require the city to filter its water supply near its source. The fiscally strapped city estimates it would have to make at least a $4 billion capital investment to build the kind of filtration system the EPA has in mind, and spend an additional $800 million a year operating and maintaining it. (The current water and sewer capital budget is some $10 billion over ten years, the annual operating budget $650 million.)

The city has an alternative: state law gives it the authority to prevent water pollution by imposing draconian land-use and other regulations throughout the watershed, a vast area covering more than 1,900 square miles in eight upstate counties. Doing so would allow New York to win a waiver from the federal filtration requirement, but it could also devastate the upstate economy and leave the city open to billions of dollars in lawsuits.

The federal mandate that has forced this choice on the city is not only costly but unnecessary. Ninety percent of the city's water comes from unpolluted sources west of the Hudson River, where there is little danger that overdevelopment will foul the water supply.

Battle for the Land

New York City's watersheds, which feed the city's 12 upstate reservoirs and 3 controlled lakes, are the source of almost all of the city's water. Some seven million city dwellers and two million upstate residents—almost half the state's population—rely on the city's water system.

The city's water comes from two distinct sources. The first, the Croton watershed, is located east of the Hudson River in Westchester, Putnam, and Dutchess counties. Its reservoirs are encircled by suburban development and bridged by major highways. Water quality has declined as the population has surged and road salts, auto pollution, runoff from septic systems, and other pollutants have taken their toll.

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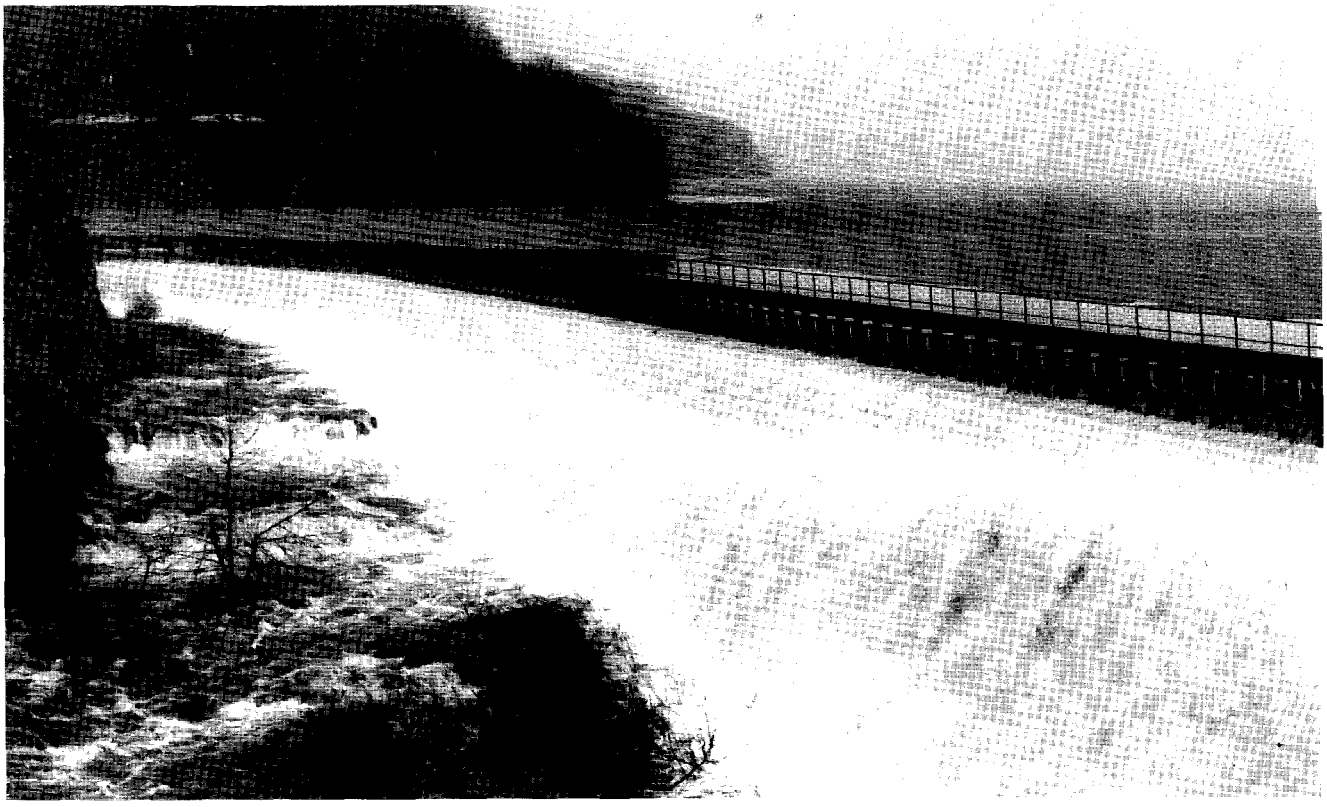
The Croton water, which accounts for about one-tenth of the city's supply, is and must be extensively filtered.

But the rest of the city water supply, the Catskill and Delaware watersheds, is in a far less developed area, straddling five counties west of the Hudson and farther north than the Croton system. "The Catskill/Delaware water is of very good quality," according to a 1991 publication of the New York City Department of Environmental Protection (DEP). The department's commissioner, Albert Appleton, has called it "the champagne of drinking waters." Big Indian Spring Water corporation, a privately held concern that markets bottled water throughout New York state, draws its water from the same watershed as the city—and has no problem selling it in a highly competitive market. The city's water system works well: New York's tap water may be purer than most bottled water, according to a recent state Department of Health study.

City and federal regulators and environmentalists, however, argue that the Catskill and Delaware watersheds are in danger of becoming overdeveloped and polluted just as the Croton system has. "The city is eager to maintain the excellent quality of the Catskill and Delaware reservoirs, which the experience of the Croton system has shown is impossible without a strong watershed management program," declared the 1991 DEP report. In a meeting the same year with local officials from the Catskill/Delaware region, city engineers argued for a tough regime of land-use controls. They relied exclusively on data from the polluted Croton system to justify regulating the rest of the watershed.

But the comparison between the Croton and the Catskill/Delaware watersheds is a false one. City



UPI / Bettmann

Olive Bridge Dam, Ashokan Reservoir

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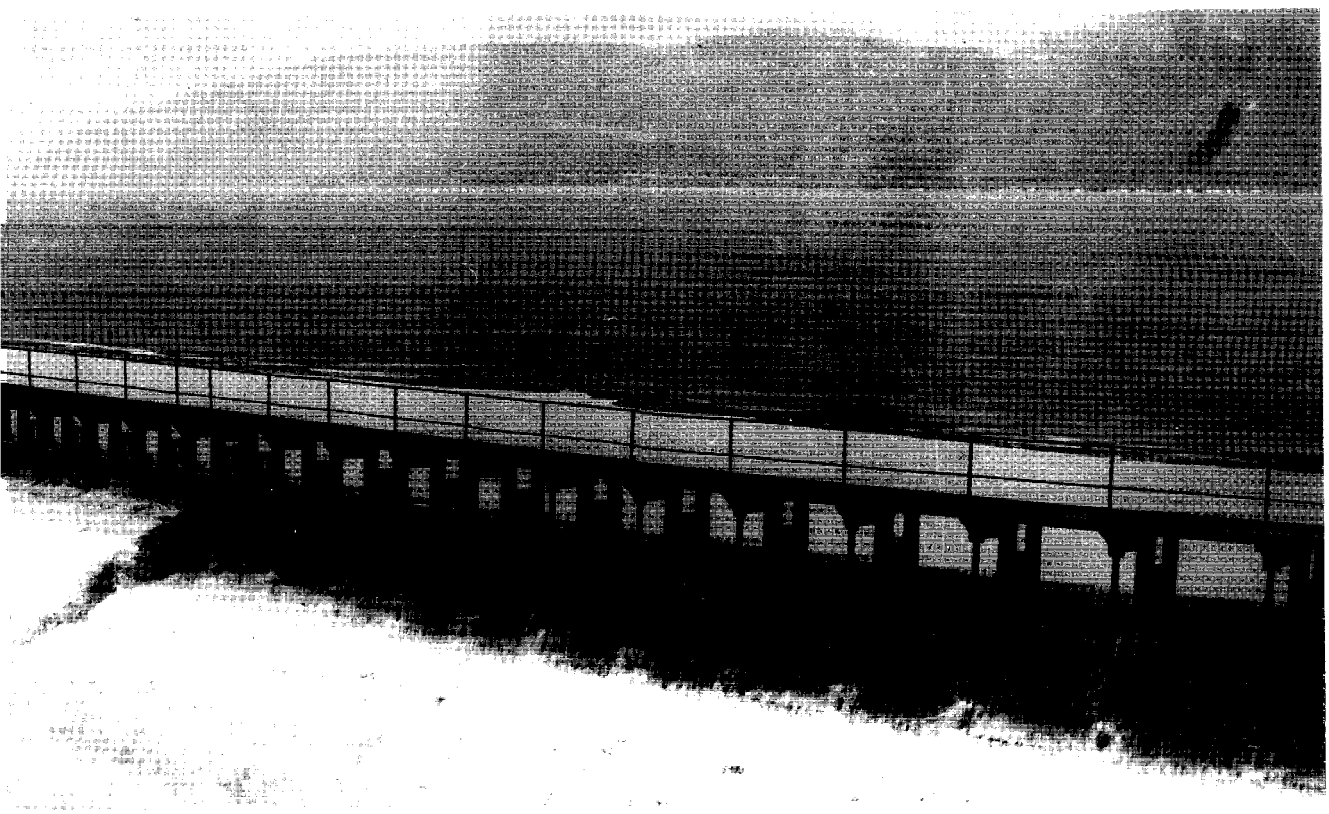
officials have never argued that Catskill and Delaware water is threatened with imminent contamination. Water quality has improved dramatically over the past twenty years, despite a small rise in population, because of reductions in fertilizer runoff from farms, the modernization of upstate sewage facilities, and existing state and federal environmental regulations.

There is every indication that the quality of Catskill/Delaware water will continue to improve. The city still owns large buffer areas around open-air water supplies in the Catskills. (The Croton buffers were sold off, at a considerable profit, during the suburban housing boom of the 1950s and 1960s.) Nor is there much likelihood that the area will become densely populated. The point of the Catskill/Delaware water system nearest to the city, in northwestern Ulster County, is at least a three-hour drive away—making it an unlikely new home for commuters. The area is largely devoid of heavy industry that might pollute the water. Aside from light manufacturing along the west branch of the Delaware River and some state colleges, the region's economy is based mostly on farming, tourism, and recreational activities like skiing and fishing. It has an obvious financial stake in maintaining its rustic character. Thus, given the high quality of the city's water and the remoteness of its source, Congress's well-intentioned attempt to preserve water quality has turned into an effort to avert a disaster that almost certainly would never happen.

The Federal Government's water-quality mandates have created a conflict between the city and the watershed region. Generally upstate officials favor filtration, for which the city would bear the vast bulk of the cost. The city, meanwhile, is pursuing the regulatory option; it has applied and won conditional



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approval for a waiver of the filtration requirement. The city has also announced plans to condemn ten thousand acres, for which it plans to pay the owners $440 per acre, well below market value. Upstate officials accuse the city of exaggerating the costs of filtration. The city, likewise, claims upstaters are overstating the effects of the regulations needed to win a waiver. In any case, it is clear that either option would be quite costly.

At the center of the conflict is Delaware County, more than half of which is within the city's watershed. Some 24,000 county residents own most of the 772-square-mile area that makes up the county's share of the watershed. The city's rules would impose a host of burdens on the citizens and local governments of Delaware and nearby counties. They would prohibit property owners from enlarging their buildings or parking lots, reduce property values, and increase the cost of government services. They would also "devastate the agricultural industries of Delaware County" and lead to tax increases, according to a report by Kenneth Markert, director of the county's Planning Board, and William Moon, the county's commissioner of social services.

Private Costs

Many of the city's proposed regulations are stunning in their breadth and complexity, given the minor effects the regulated activities generally have on water quality.

The regulations call for five-hundred-foot setbacks from "watercourses." New York City defines a watercourse as any body of water (except drainage ditches that temporarily transport storm water runoff) or any depression, natural or man-made, that carries at least one cup of water per minute. Watercourses may be of any size.

Within the setback area, no development or change in the use of land could occur without a city permit. That means that the presence of a small brook would prevent development on a stretch of land more than a thousand feet wide; a meandering stream would take in even more nearby land. Delaware County alone has some seven hundred miles of trout streams, so some 15,100 acres of land would be effectively condemned. Assuming a value of $1,000 per acre, about average in that rural county, the loss of that land is estimated at more than $15 million.

The definition of a watercourse is sufficiently vague that it could take in a lot more than trout streams. Watercourses also include man-made ponds, which are common in upstate orchards and livestock ranges. A liberal definition of watercourses would take in almost all of the watershed area, perhaps 1,500 square miles.

And a host of land-use restrictions could adversely affect farmers. No manure or fertilizer could be stored within five hundred feet of a watercourse or spread on a field within one hundred feet. No barnyard drainage would be allowed to enter a watercourse, and berms, earthen bulwarks that hold back runoff, would be required around all pastures. The combination of these regulations would put 75 percent of the watershed's farms out of business, according to the Coalition of Watershed Communities, a group of local government officials from the 36 towns and five counties of the Catskill and Delaware water systems. Again, the city contends that these costs are overstated by upstate government officials, but the magnitude is definitely on target.

Cemeteries could not be built or expanded within five hundred feet of a watercourse. Since there are very few plots of land that are large enough for a cemetery and far enough away from a watercourse, watershed residents would probably have to bury their dead elsewhere. This cost cannot be fully measured in dollars; some family plots in those communities go back to the American Revolution.

Selling land within setbacks or areas otherwise subject to water quality regulations would require the city's approval. Potential owners might have to win approval from the city to use land for any commercial purpose. The pace of new construction would be set by the speed of the city's permit process, which is not expected to be rapid. There is no requirement that the city's review board act on variances in a timely manner or according to any

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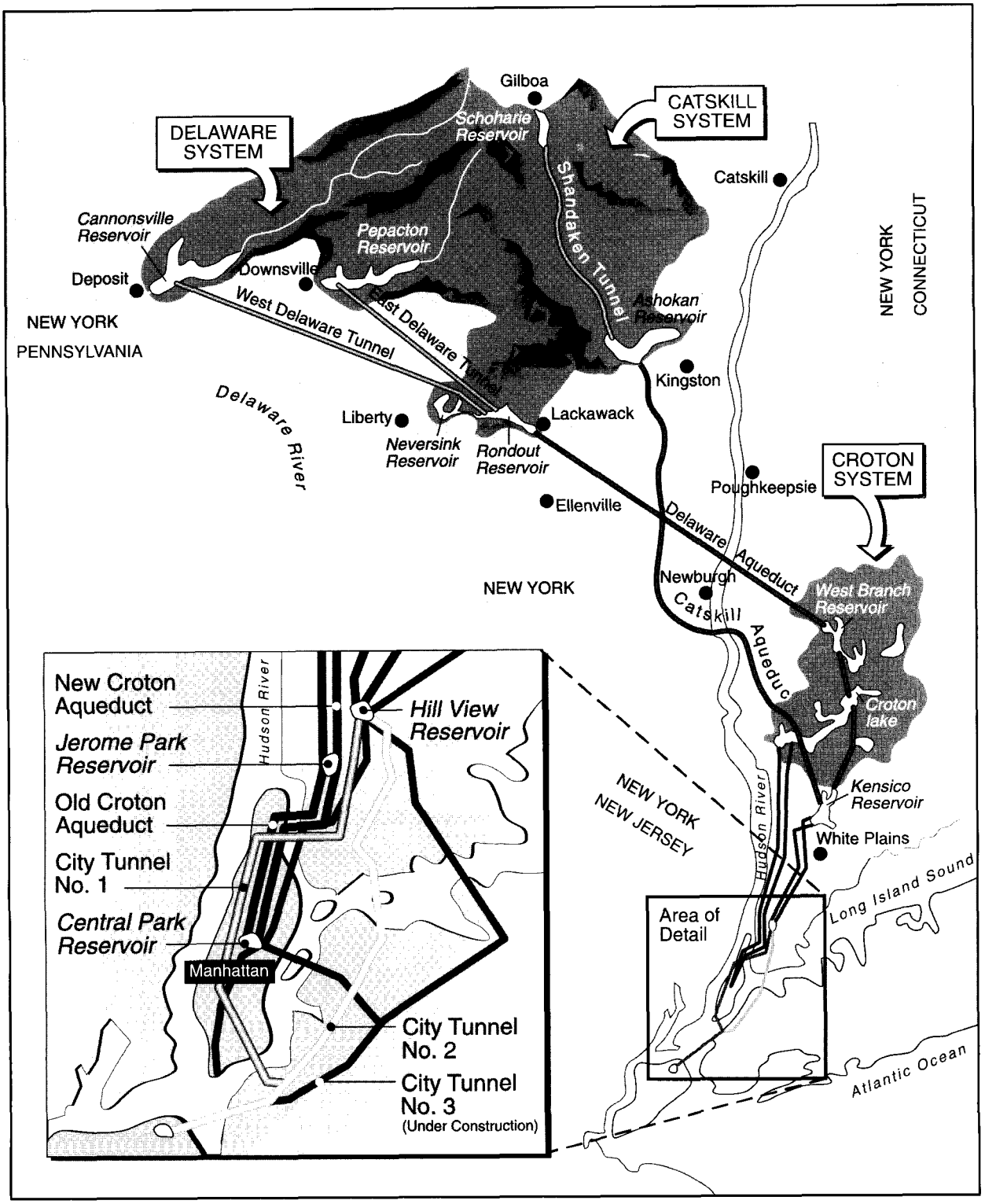
The New York City Water Supply System



Rob Doyle

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timetable at all. Given the relatively short construction season in upstate New York, a slowdown of even a few months—not unusual in the case of land-use permits—could delay a project by a year and create a host of new expenses that could make it uneconomical. Even landowners who can afford to wait would face higher construction bills, as the review board calls for additional tests, studies, and design modifications. To win a variance, a landowner might have to hire a soil scientist, a hydrologist, a licensed engineer, or an environmental lawyer. Each of these professionals would add to the cost of development.

The city's proposed regulations regarding "impervious surfaces"—bureaucratic argot for rooftops and paved areas—are particularly onerous. Impervious surfaces would be strictly limited to no more than 2,500 square feet or 10 percent of the lot area, whichever is greater. (Multiple parcels that are contiguous and have a common owner would constitute one lot for purposes of the regulation.) This rule would disproportionately harm small property owners in commercial areas, where parking lots take up most of the property. Large parking lots are needed throughout the watershed because residents are widely dispersed and rely on their cars to get around. And since most of the commercial space in upstate communities already meets or exceeds the city's 10 percent limit, many businesses would soon discover that the only direction they can move is up. In Delhi, a town of three thousand near the center of Delaware County, half of the downtown area and the main shopping plaza would not be permitted to expand their parking lots or add new stores.

The regulations would impose other costs on the use of automobiles. Any place where cars, trucks, or buses are routinely washed would have to install new wastewater purification systems. Schools that wash buses or firms that wash their trucks would be forced to pay tens of thousands of dollars for new equipment.

Any site where there are more than four unregistered motor vehicles in some state of disassembly is considered a "junkyard" under the proposed regulations. Since junkyards would not be permitted within five hundred feet of a watercourse, many of the "parts cars" mined by thrifty upstaters to repair their working vehicles would have to be towed away.

Gas stations and other places that store more than a "household supply" of motor fuel would have to be at least five hundred feet from a watercourse. Such facilities would have to prepare a detailed water supply protection plan.

The combination of a new layer of permits with a new layer of land-use controls, atop existing town and county regulations, would make usable land scarcer and more expensive, development more risky, and business expansion less common. Land subject to such regulations would decline drastically in value, depriving its owners of much of their investment.

The city's regulations may have other, indirect costs. "You might want to consider suing your neighbor because it is his stream that is causing your property to be governed by the city, and thus losing potential value at resale time," suggests a flier distributed by the Coalition of Watershed Towns. And the same public health law that gives the city the power to regulate also gives affected property owners the right to sue for "just and adequate compensation." Residents may spend thousands of dollars suing each other and the city hoping to recover damages.

Public Costs

The city's regulations would also impose substantial financial burdens on town and county governments. Sewage treatment plants would have to be upgraded to meet the city's requirements. The total cost of such improvements is hard to estimate, given the diversity in age and type of plant used throughout the watershed. But the Coalition of Watershed Towns estimates that the cost of upgrading the plants would average about $1 million per facility and that new plants, which would be required in some areas, would cost about $2 million each—a steep outlay for a small town or county government.

The regulations would forbid landfills within a thousand feet of a watercourse. Existing landfills may have to be closed and new sites found, a long and

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costly process. Delaware County's interim landfill would probably have to be moved, at a cost to taxpayers of $5.8 million over three years. County officials have not yet estimated the cost of future trash disposal in the light of the city's regulations.

Town and county highway departments might also have to change the way they make winter roads safe. These departments would have to stop spreading cinders on icy roads and use sand instead, increasing the number of claims made by motorists whose cars suffer damage from clumps of hard sand and small rocks sprayed by highway trucks. The proposed regulations also mandate certain formulas for mixing sand and salt for roadway use. Measuring, mixing, and training personnel in the new procedures would increase costs for watershed highway departments. Further, new salt storage requirements could cost as much as $1.8 million per year in Delaware County alone.

Liz Hilliard/City Journal

More than money is at stake. By changing the way road crews remove ice and snow, the city may be risking public safety in order to reduce salt-laced runoff. Sand is not as effective as cinders in protecting motorists on icy roads. Injured motorists might sue watershed counties, leading to costly settlements or court judgments as well as higher insurance premiums for local governments.

The city's land-use regulations would also shrink the watershed's tax base, though precisely how much is hard to estimate. The regulations would cause what assessors call a "loss of ratables": by limiting the permitted uses of land, they would drive down property values, and hence property tax revenues. This would compel some towns to reduce government services, cut spending, or hike property tax rates to make up the shortfall. Any of these alternatives could spur another drop in property values, creating a vicious cycle.

From the perspective of local governments, vacant land on which development is completely forbidden is essentially a dead loss from the tax base. How much land would be subject to this severe measure is unknown, but educated guesses can be made. Initially the city planned to spend $230 million acquiring "environmentally sensitive" land throughout the watershed. Because of budget constraints, the city reduced this planned expenditure to $70 million. If the remaining $160 million worth of land is instead simply taken through regulation, the annual loss to the watershed tax base would be at least $1.6 million per year.

The city may ultimately be forced to absorb many of these costs. Putnam County, which is in the Croton watershed, has filed suit in New York Supreme Court, seeking to require that New York City either build the federally mandated filtration plants or pay the county $6 billion in compensation for lost revenue.

Some watershed county planners have suggested an unusual compromise called "whole community planning." The city would regulate land use sufficiently to satisfy federal water purity standards but delegate enforcement to local governments, which would be less likely to do unnecessary harm to the upstate economy. The plan also calls for "cost sharing," under which the city would fund an economic development program for upstate counties that could cost tens of millions of dollars. Since some of the development money would be used to attract new businesses to the watershed area, the city would, in effect, be paying to lure firms from the city upstate.

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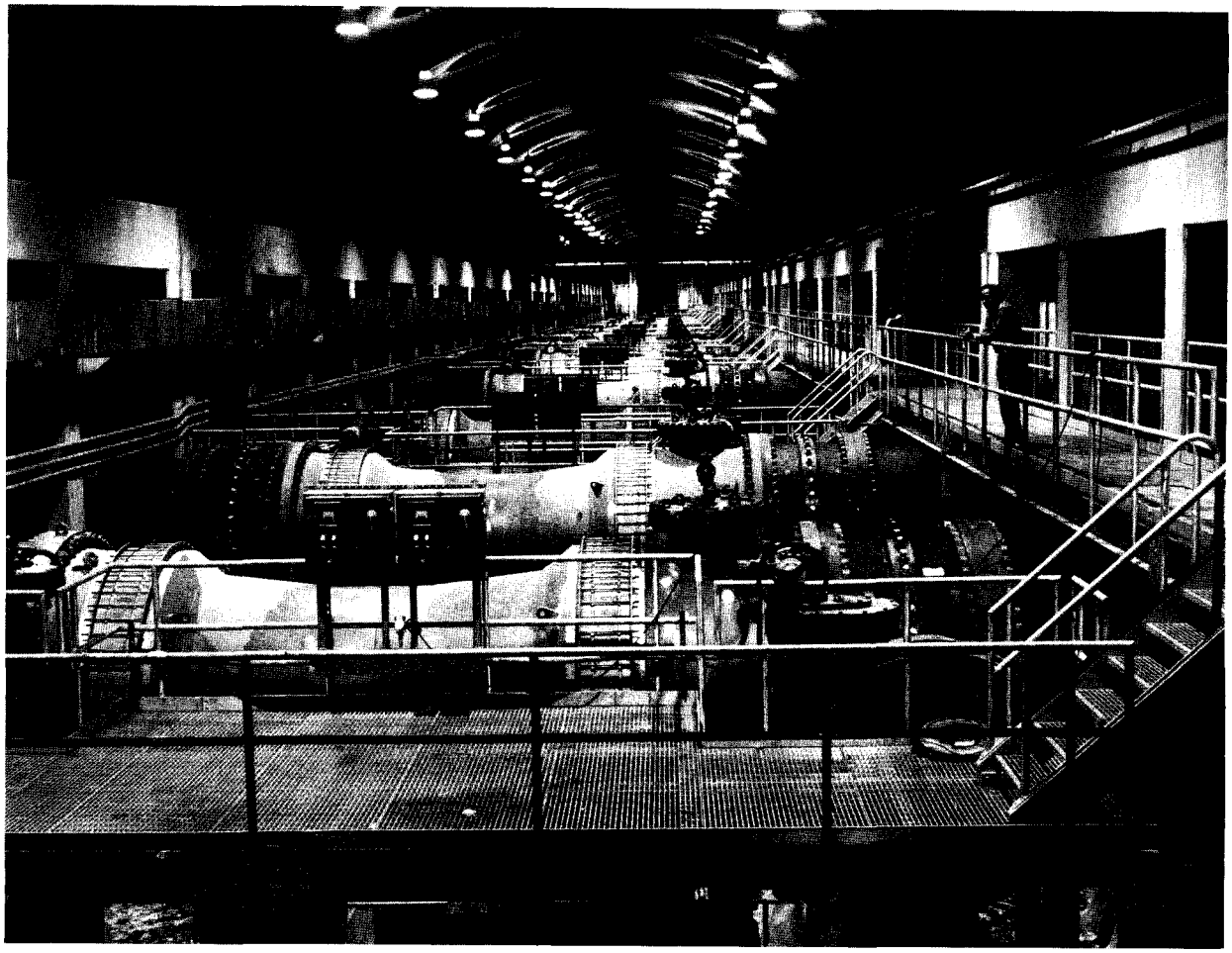

Carl Ambrose / DEP

New York water is channeled through this valve chamber under the Bronx's Van Cortlandt Park.

A Way Out?

The predicament in which the city and upstate localities find themselves is the result of a well-meaning federal effort to ensure water quality. But the Federal Government failed to take New York's unique circumstances into account.

Of the 25 largest U.S. cities, only New York and Boston do not already filter their water near its source. (Boston is exempt from the filtration requirement because its entire watershed is pristine.) New York has an extensive water quality system that is well-run and provides the city with safe, clean water. Even "marginal" water reaching the city meets all federal source water and disinfecting requirements all the time. Indeed, city standards meet or exceed those of most filtered systems. The entire case for filtration rests on speculation about future contamination.

Since there is no immediate threat to the city's water quality, New York's congressional delegation should press their colleagues to pass legislation exempting New York from the filtration requirement. If Congress does not do this, it should, in the interest of fairness, provide the city with the funds necessary to pay for the mandated filtration.

If the city goes ahead with its plans to regulate the watershed, it should limit the harm to the upstate economy by making several commonsense changes in its proposed rules. "Watercourse" should be strictly defined to include only significant sources of

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water, such as rivers and streams, not minor flows. The city should provide a map clearly delineating what is regulated and what is not. The exact amount of setback from a watercourse should be determined by existing soil conditions, not the one-size-fits-all bureaucratic standard of five hundred feet. Certain small changes in land use, like adding a driveway or a small septic system, should be automatically permitted. And land uses that do not pose grave risks to the watershed, such as cemeteries, should be grandfathered into the existing rules.

The city should also give upstate residents a voice in determining the regulations. Currently proposed rules allow the city's Department of Environmental Protection to change the criteria that it uses to approve variances at any time, without notice. Further, the board that makes such decisions is to be made up entirely of city DEP officials. What is needed is a neutral board, composed partly of city officials and partly of watershed representatives, that would vote on the rules in public hearings and grant variances in a fair, orderly, and timely manner.

Finally, New York should drop its heavy-handed rule that would allow city enforcement agents to search "all watercourses" at any time "without fee or hindrance." It is a practice the city can do without, save in extraordinary circumstances in which it should ask a local judge for a search warrant.

Small changes in the management of the Catskill/Delaware watershed could also improve water quality. Moving the intake valve in the Cannonsville reservoir, for example, would allow more sediment to settle before water is piped to the city. A full review of the city's water systems would probably reveal a host of other minor improvements that could increase water quality.

Even with these modifications there is sure to be rankling over water quality regulations, because, in a sense, both sides are right. The cost of complying with regulation is too high for the watershed communities to bear and the cost of filtration too great for the city. The Federal Government should correct its error, sparing New York City and its upstate neighbors from this expensive and unnecessary mandate. ■

Alan Fenster provided research assistance for this article.

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The Quality of Life: What Should Be Done?

New York's future depends on its quality of life—that was the message of both the 1993 political contests and a survey of current and former New Yorkers commissioned by the Commonwealth Fund. In the Autumn 1993 City Journal, *Julia Vitullo-Martin outlined the findings of that survey: while the city's economy continues to draw the young and ambitious, quality-of-life problems like crime, disorder, and incivility are driving many New Yorkers to leave.*

At a recent symposium jointly sponsored by the Manhattan Institute and Citizens Union, Vitullo-Martin was joined by a panel of distinguished scholars and New York City Council members. They discussed the importance of the quality of life, the historical and political roots of the city's current problems, and the practical steps political leaders can take to improve matters.

The meeting was chaired by Robert F. Wagner Jr., in one of his last public appearances before his death of heart failure at age 49 on November 15, 1993. Wagner, one of New York City's most devoted public servants, had served with distinction in an impressive range of positions both in and out of city government: first deputy mayor, Board of Education president, chairman of the City Planning Commission, and, most recently, chairman of Citizens Union. At his death, Wagner was at work with Vitullo-Martin on a book, The Future of Cities, *and an article for the* City Journal *about innovative public housing leaders.*

Wagner cared deeply about the future of New York City; his untimely passing is a loss to all New Yorkers.

ROBERT F. WAGNER JR.

The quality of life is not a new issue in New York, though it has probably gotten more attention this year than in the past. Jacob Riis raised the issue in 1896 in his book *How the Other Half Lives.* And E. B. White, in his 1949 classic *Here Is New York*, said about New Yorkers: "They sit in stalled subways without claustrophobia, they extricate themselves from panic situations by some lucky wisecrack, they greet confusion and congestion with patience and grit—a sort of perpetual muddling through. Every facility is inadequate—the hospitals and schools and playgrounds are overcrowded, the express high-

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ways are feverish, the unimproved highways and bridges are bottlenecks, there is not enough air and not enough light, and there is usually either too much heat or too little."

I would like to pose the question why the issue of quality of life is different today than it has been in the past.

JULIA VITULLO-MARTIN
Writer

We used to be able to take some comfort in the argument of urban historians that cities are better off today than they were in, say, the mid-nineteenth century, when the objective conditions of poverty and distress were far worse than anything we've got today. Historians like Dick Wade had shown this pretty conclusively. Presumably, we believed, if we'd progressed this far since the last century, we could progress further.

For New York City, looking back on the kind of statement that E.B. White made was of particular comfort. After all, if New York was filthy, dangerous, and disordered in the "good old days," when it was unquestionably a great city, then surely filth and dangerousness aren't impediments to greatness. Maybe everything was OK.

Bob Wagner asks why these issues are important today when they didn't seem to be that important five years ago. When the Commonwealth Fund decided to do its survey, I remember people saying things like: "Shouldn't the foundation be concerned with fundamental issues, like poverty and homelessness, rather than these frivolous matters like dirt, noise, disorder, and litter?"

But quality-of-life issues *are* fundamental. The much-heralded information revolution is here. That means we now have—in this city and in the world—a rather footloose economy in which jobs and people can move pretty much where they please. People have choices they never had before. I'm inclined to think that over the next few decades, American public policy will be shaped by a new politics of choice in every area. Choice will have particularly profound effects on cities. New York—and Chicago and Los Angeles and every U.S. city—will have to be competitive as they've never been before.

New York has lived off its luxurious intellectual and economic capital for some time now. But it can no longer afford to live off the greatness of its past. We're at one of those crossroads, where city hall is going to have to make some very serious decisions about the city's direction.

I would like to make three basic points. First, quality-of-life issues matter. The Commonwealth surveys—and the many copycat surveys—showed this. People come to New York for jobs and the economy, but they often leave in disgust over quality-of-life issues.

Second, these issues reflect the competence of city government. If the government cannot do relatively simple things—keeping the streets clean, fixing the sidewalks, filling the potholes—then how can it do anything truly difficult?

Take the question of noise in New York. Various mayoral administrations have tried to do something about this issue. When my husband and I moved to New York, the Lindsay administration was working on it, and the problem still persists. One of the Greenwich Village newspapers recently ran an article about "boom-box cars"—cars with radios that are so amplified that you can hear them from blocks away. These boom-box cars are illegal. But it turns out the police cannot issue any summonses to the offenders, no matter how noisy their cars, unless they measure the decibel level with a noise meter. The police, however, are not authorized to use the noise meters—only the Department of Environmental Protection inspectors are—and the environmental inspectors cannot issue the summonses. It's a wonderful example of the problems in New York: we have this fairly simple problem of illegal boom-box cars, but we have so entangled ourselves in ridiculous regulations that it's almost impossible to do anything about it.

Third, the combination of quality-of-life problems and the government's inability to deal with them inevitably leads citizens to ask, "What am I get-

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ting for my taxes?" New York City residents are very heavily taxed. I think that for many New Yorkers, high taxes didn't really matter all that much—until they started wondering, "What are we getting for them?" and coming up with the answer: not very much. People then ask, "Why am I here?" and, "Do I have to be here?" Multiply that by a large number of people, and New York has a problem.

If the government cannot do simple things—keeping streets clean, fixing sidewalks, filling potholes—how can it do anything difficult?

There's a pervasive sense of decline in New York City today, which I think is relatively new. Just in the past year, even very faithful New Yorkers, very liberal West Siders, have been feeling a sense of decline. It reminds me of the days of the fiscal crisis, but without the drama. The sense of decline seems to be incremental and relentless.

Casey Stengel used to say, "Once you start losing, everyone commences to play stupid." This applies to city government: once you start hitting these terrible declines, nothing goes well, services get worse, expenditures rise, and everyone plays stupid. It is imperative for the new mayoral administration to make these issues a very high priority. If it fails to do so, New York will keep heading downward.

FRED SIEGEL
Historian, Cooper Union

The quality of life is not just a New York problem. In Philadelphia, a popular columnist calls himself "the marquis of debris": during the late 1980s, one of his favorite columns was about trash storms in Center City Philadelphia. Mayor Edward Rendell made his mark early on by literally scrubbing City Hall—cleaning rooms that had never been cleaned.

In San Francisco, the last mayoral election was decided on quality-of-life issues. An unknown challenger, Frank Jordan, defeated incumbent Art Agnos by campaigning almost entirely on issues like homelessness, graffiti, and particularly aggressive panhandling. In 1992, tolerant San Francisco approved Proposition J, prohibiting "harassing or hounding acts in connection with soliciting money or any other valuable thing." The proposition argued that "aggressive solicitation undermines the public's basic right to enjoy public places without fear and jeopardizes the city's economy"—just the point Julia Vitullo-Martin made.

In Los Angeles, MCA has built Citywalk, a 100-million-square-foot, two-block-long shopping and entertainment center in the ethnically mixed but middle-class San Fernando Valley. (The San Fernando Valley, by the way, talks about seceding from Los Angeles.) Citywalk was built as an exact replica of Venice Beach and Sunset Boulevard—but indoors and minus graffiti and homelessness.

In the recent L.A. mayor's race, candidate Michael Woo set off a firestorm when he said: "My goal has never been to turn Hollywood Boulevard into an antiseptic, artificially sanitized area." (This was not actually a danger.) "Hollywood Boulevard," Woo continued, "will be an exciting, diverse and exotic place. Homeowners will see kids with ghetto blasters. I don't want to drive away the eccentric and interesting people who are no harm to anyone else; I want to encourage real street life." That last phrase—"I want to encourage real street life"—came back to haunt him. Woo lost by eight points in an election where he had the demographic edge.

By and large people would rather not have to choose between the antiseptic and the antisocial. The shame of our contemporary cities is that we so often seem forced to make such a choice. Bob Wagner asks: Why has it come to this? I think it relates to a failed experiment in effectively decriminalizing what were called victimless crimes: public drunkenness, panhandling, loitering, public prostitution, and the like.

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The idea of a victimless crime has a venerable history. Jeremy Bentham described "drunkenness and fornication" as "imaginary offenses, acts which produce no real evil, but which prejudice, mistake, or the aesthetic principle has caused to be regarded as offenses." His far more influential heir, John Stuart Mill, said such "self-regarding behavior" should stand outside both public scrutiny and the law.

In the United States of the 1960s—the Aquarian Age of sociology—these older arguments were revived and given new clothing. An NYU sociologist, for example, stated that "past support for laws regarding public conduct involved unsubstantiated assertions of the horrible consequences likely to follow from decriminalization." He continued: "As empirical data and realistic analysis replace misinformation and stereotyped thinking, neither the long-standing existence of criminal statutes nor a majority adherence to the norms and values it seeks to uphold is likely to be accepted as sufficient justification for maintaining standards of public conduct."

Sociologists turned the tables on the proponents of public order by arguing that the cure was worse than the disease. The problem, they contended, was not public prostitution or panhandling, but the policing of such behavior—the constricted morality of "squares" attempting to impose their values on others.

The bullets forged by sociologists were fired by police chiefs and legal reformers. Policing vice, they argued, was inherently corrupting, and maintaining civility by arresting drunks and crazies was derided as social work as opposed to "real police work." And the most important claim, made again and again by both police chiefs and professors, was that decriminalizing vice and minor offenses against civility would free the police to deal with major crimes.

One Great Society report captured this consensus: "Only when the load of law enforcement has been lightened by stripping away those responsibilities for which it is not suited will we begin to make criminal law a more effective instrument of social protection." As I speak today, the debate is on over whether the National Guard should be called out to fight crime in Washington, D.C. What went wrong?

First off, the reformers, straining to be "hip," often trivialized the collateral consequences of the behavior they wanted to decriminalize. "That prostitution tends to encourage derivative kinds of criminal activities," argued a West Coast sociologist, "can no more be denied than it can be denied that kissing may lead to illegitimate births."

New York was in the vanguard of decriminalization—it's been carried furthest here. In New York, not even running a red light was considered criminal. Traffic tickets were defined downward, to use Senator Moynihan's term, in an effort to unclog the courts. We saw the consequences of that a few months ago when there was a rash of serious accidents caused by unlicensed drivers.

People would rather not have to choose between the antiseptic and the antisocial. The shame of our cities is that we so often seem forced to make such a choice.

Let me close with the comments of a prominent sociologist who acknowledged the risks of decriminalization, comments that capture the spirit in which this experiment was carried out. "Under certain conditions, certain societies, like certain people, are better off dead—at least if we maintain that there are values whose preservation is more important than that of the survival of people or societies." He went on: "American society has much that is worth protecting, but that protection may only be had on the strict circumstances which involve permitting the free sway of Epicurean behavior unless or until such a time as such behavior clearly threatens the existence of others or of the society."

This sociologist concludes, "It's possible that the point of no return, however, may have long

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passed before its existence is noticed." But we have noticed, and we haven't passed the point of no return, though we've been heading in that direction.

GEORGE KELLING
Criminologist, Northeastern University

As Fred Siegel mentioned, there has recently been talk of calling out the National Guard to fight crime in Washington, D.C. I would like to begin by talking about how President Clinton might go about deciding whether or not to send in the Guard.

What if the president sneaked out late at night and met with residents of the neighborhoods in which so many killings are taking place, with no TV cameras, reporters, other politicians, or community leaders present—just residents? What he'd learn—and this would be true in any big city—is that in the minds of citizens, the crime problem is, first and foremost, things like disorder, prostitution, panhandling, graffiti, and drunken youths taking over parks. However tough the neighborhood is, these are the problems that people notice. If the president asked the next question—What can the military do about this?—he would quickly realize that this isn't the best idea in the world.

New York City's antipanhandling ordinance was recently declared unconstitutional. That decision will have much more impact on your lives than any federal crime bill.

Most of the hotly debated crime issues, like the question of sending in the military, have little to do with the real crime problem. Take capital punishment. Nobody believes that capital punishment is going to make any difference. It has no relevance for the issues that city residents care about most. What about gun control? I'm sorry, but it's out of the barn. There are so many guns out there that we could pass serious gun laws right now and for fifty years we still wouldn't be able to deal with the guns already on the street.

In contrast, some of the most serious crime issues have received very little publicity. A series of court decisions have gutted the ability of police to maintain public order. Recently, whether most of you know it or not, New York lost its antipanhandling ordinance. In the *Loper* case, it was decided that panhandling is a form of speech that has political content. As a result, New York City's antipanhandling ordinance was declared unconstitutional. That decision will probably have much more impact on your lives than any federal crime bill.

The *Loper* decision and other, similar decisions embody a set of assumptions about urban problems that are consistent with what Fred Siegel just described. If one reads the *Loper* decision, the first thing that stands out is that legal and political advocates have succeeded in framing the issue of disorder as one of "homelessness," neediness, and economic inequity.

A few years ago, I did some consulting for the Transit Authority on the problem of disorder in the subway. At that time, all the advocates agreed that the problem was "homelessness" and that the "homeless" were going to be victims of police actions aimed at them. As a matter of fact, that was not the goal of the programs at any time. We were not concerned about people's economic status. We were concerned about the behavior of people in the subway that threatened and intimidated other riders. Framing the issue as the well-to-do versus the needy and "homeless" was a political ploy. This is not the well-to-do riding the subway versus the poor panhandling; subway passengers are working-class people who have to use public transportation.

The second thing one notices about *Loper* and similar decisions is that the courts have trivialized the consequences of street disorder. James Q. Wilson and I developed what is called the "broken windows" argument: Disorder makes citizens fearful to go out into the streets, which are thereby ceded to

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criminals. Wesley Skogan's research empirically demonstrated the link between fear, disorder, and serious crime. But the courts have considered only a crude caricature of this argument. They ask, in effect: You mean to tell me that one beggar standing on the street is going to become a serious criminal? Of course nobody's saying that. The argument is much more subtle.

The third striking feature of these court decisions is outright hostility toward the police. Tampa, Florida, had laws barring loitering for the purpose of prostitution and of drug dealing. The latter, in particular, helped Tampa manage the drug problem as well as any city in the United States. But the courts threw out both laws. When they threw out the prostitution law, they argued that police wouldn't be able to tell the difference between prostitutes hailing johns on the street and housewives hailing their husbands and that they would use the law to harass minority women.

Haven't these judges been on the streets? Don't they understand what police do? Today in New York City there are probably going to be ten thousand encounters between police and citizens, often under very confusing and ambiguous circumstances. Yet at least 99.9 percent of those will go just fine.

I do not want to dismiss the problem of police abuse. But it is terribly misguided to assume that police are abusive as a rule and, on that basis, to deny them the authority they need to provide effective police services—which are especially needed in poor neighborhoods. Self-described advocates for the rights of the poor have been virtually silent about the right to live in safe communities. As a result, citizens, except for the most sturdy, are left with little alternative but to retreat from public spaces.

ANTONIO PAGAN
City Councilman (D-Manhattan)

It's very refreshing to hear people talking about issues that for too long have been taboo. It's good to see many people coming out of the closet and saying out loud what everyone has been thinking in silence and in anger. The underlying issue we're discussing is lowered expectations about what sort of behavior is tolerable. We bump over bodies on the street. We see drug dealers on the corners and around our schools. We see vagrants in our hallways and on our streets. And I agree with George Kelling—"homelessness" should not dominate the debate over what goes on in our streets. Not everybody who's on the streets is homeless. And if they are, it's not necessarily because they've lost their apartment or because a sleazy landlord has raised the rent or kicked them out. The truth is that you have multi-symptomatic people on the streets. Some are there because they choose to be there, because we allow them an open market to sell stolen goods. Others are there because we've deinstitutionalized them without providing them care or protecting the community from those who are dangerous.

When we talk about what we as New Yorkers should tolerate, we must look into ourselves and rid ourselves of some liberal guilt. I'm not saying that liberals are bad—I consider myself to be one of them—but we must recognize that failed social policies have caused the quality of life to deteriorate for the majority of the people in this city.

We need to get back down to basics and listen to people. People are saying that they're moving out of New York City because they can no longer tolerate the little things—which are not so little any longer. They can't tolerate the stench of urine in front of their buildings and in the subway stations; they can't tolerate tripping over bodies or being accosted—not just verbally any longer, but physically—for a buck. Something is wrong and we need to solve it.

ARCHIE SPIGNER
City Councilman (D-Queens)

It is possible to improve things in the city. On Hillside Avenue and 175th Street in Queens, there's a little park about two blocks long, which is the gateway to southeastern Queens. Historically it was a

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beautiful park, but the neighborhood changed and it started to become a nesting ground for derelicts and winos. The police of the 103rd Precinct ignored the problem, until, together with the civic association, I put the precinct captain on the spot. I said: "This is against the law—public drinking, sleeping in the park—and if you don't get them out of there, *you're* going to get out of here." I told the Parks Department: "Cut the grass; clean up the dirt and the litter." We've got some bureaucrats and civil servants so insulated by rules and regulations and union contracts that they just don't understand what their first obligation is. We've got to get a level of outrage and respond to these abuses.

For years, a lot on 175th Street and 111th Avenue had been the site of a car stripping operation. The police did nothing about it until I said to the commander of the 103rd Precinct: "How, year in and year out, can this site on a residential block be used for stripping stolen cars?" The police wound up arresting a young man who lived across the street. He was stealing cars, parking them near his house, stripping them, and leaving the remains. The police will do a job when we make them do a job. It doesn't matter what the structure is; the heat must be put on them.

That said, I'm optimistic about the future of this city. I still believe that it contains a critical mass of intelligence and other ingredients that sustain its vitality and viability.

JUNE EISLAND
City Councilwoman (D-Bronx)

The National League of Cities recently asked me to participate in a seminar titled "Los Angeles as a Third World City: What Shall We Do?" Thirty people were there, all either mayors or council members from large and small cities. Two themes emerged—one was quality of life and the other, which I would like to emphasize, was education.

I have been saying, for about five years now, that very soon we will be serving breakfast, lunch, and dinner in our schools. Not that I want to, but it's a fact of life. We have to do something about the buildings where kids will be from 7:00 in the morning until 7:00 at night.

The schools will have to provide social services to newly arrived and disadvantaged kids. I don't really want to do that—that's not education—but we have to do it. We also will have to provide an enriching education for middle-class kids. And we will have to provide something for the intellectually gifted kids.

The people at 110 Livingston Street may have the desire to do something, but the system is just not working, and if we don't do something about that, the city is in trouble. I'm not an expert on education, but we must do something—and I am willing to try almost any experiment today.

Not too many years ago, poor and immigrant children, if they had the will to learn, could expect to get a good education in the city's public schools. It's tough now to say to people: You can get a good education if you really want it. There's a question as to whether you can get it.

Maybe there is not a monolithic solution—maybe we have to attack the problem with different solutions. But there is no question that if America's cities are to have a bright future, we have to do something about public education.

ROGER STARR
Contributing Editor, *City Journal*

This has been a remarkable meeting. The speakers have covered both the small and the large elements that constitute the quality of life in a city. And we are an audience of people of all kinds—black, white, Latino, Asian—all deeply concerned with the quality of life. This is not a white issue, and it's not a class issue.

When I retired from the *New York Times*, I moved to Stroudsburg, Pennsylvania. Every afternoon at 5:45 I get on the bus home from New York, and the population of the bus is about 20 or 25 percent black and Latino. These are people who work in New York City. They go through the ordeal of

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taking a bus at 5:00 in the morning, and then another one at 5:45 in the afternoon—three hours a day of commuting.

We live in interracial communities. But nobody tried to achieve integration—it naturally happened because people of similar tastes and similar income managed to find places where they could live comfortably in beautiful surroundings. I asked them privately why they left New York when they still work there. I've gotten many answers, and one of what I call the big reasons I remember most vividly. It was given by a man who is doing a highly technical job for a very large corporation. This gentlemen not only commutes to New York, but when the bus gets to the city, he turns around and takes the PATH to Newark where he actually does his work.

This man said to me: "My two grandfathers were both sharecroppers. I was educated at Queensboro Community College and then at NYU; I'm a computer specialist and a very good one." He went on: "What I didn't find in New York for me and my family was a place to live that made me feel that I was living in the style that someone who had achieved what I think I have achieved is entitled to."

I spoke with an Italian couple, both of whom work in New York City. They had lived in Richmond Hill, Queens, in a two-family house. The problem was that they had no place to park. They left New York City simply because our planning didn't provide adequate space for them to leave their car on the street. This is one of the little reasons why people are dissatisfied.

Another of the big reasons—and I'm delighted that June Eisland touched on it with great strength—is education. One part of the quality of life is the expectation that your children will do better than you.

And another important reason is the fear of crime. We have crime in the country too, usually involving people who know each other. But one isn't afraid of crime on the streets, because each of the subdivisions in which these ex-New Yorkers live is watched by its own hired patrol.

Archie Spigner talks about what he does for his community. He's a legislator, but he's acting as an administrator or an executive. His stories tell us that there's something wrong with the government of New York City—it doesn't have an executive function at the neighborhood level, so legislators have to try to deal with these issues. And everything they do has to go through the central government.

People of all kinds—black, white, Latino, Asian—are all deeply concerned with the quality of life. This is not a white issue, and it's not a class issue.

New York's health is vital, not only to those of us who live here, but also to those who work here. If the city doesn't regain its economic power, the interracial communities in Pennsylvania will fail. There's no way those people could live on the salaries they would earn up there.

The quality of urban life is also crucial to the country as a whole. We must solve these problems, both small and large. The government has to be changed so it can carry out its most vital responsibilities. And personal attitudes must be adjusted so people will take responsibility for such simple things as asking: Don't you want to pick up that piece of paper you've just dropped on the sidewalk? As our speakers have eloquently pointed out, there is much that can be done about the issues, both big and small, that make up what we call the quality of life. ■

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HARPER'S WEEKLY
A JOURNAL OF CIVILIZATION

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THE FIRST STEP TOWARD NATIONAL BANKRUPTCY.

UNITED STATES SENATE.

January 29, 1878.

THE VOTE.

THE question being on the passage of the resolution, as submitted by Mr. MATTHEWS on the 9th of December last, it was agreed to—yeas, 48; nays, 29; as follows (Republicans in Roman, Democrats in *Italics*, Independents in SMALL CAPITALS):

YEAS.

Allison,	Dorsey,	Mazey,
Armstrong,	*Eaton,*	*Merriman,*
Bailey,	Ferry,	Morgan,
Bayard,	*Garland,*	Oglesby,
Booth,	Gordon,	Pendleton,
Bruce,	*Hereford,*	Ransom,
Cameron (Pa.),	Howe,	*Saulsbury,*
Carpenter (Wis.),	*Johnston,*	Saunders,
Chaffee,	*Jones* (Fla.),	Spencer,
Cole,	Jones (Nev.),	Teller,
Conover,	Kirkwood,	*Thurman,*
Davis (Ill.),	*McCreery,*	*Voorhees,*
Davis (W. Va.),	*McDonald,*	*Walker,*
Devens,	McMillan,	*Withers*—48.
	Matthews,	

NAYS.

Anthony,	Dawes,	Morrill,
Barnum,	*Eaton,*	Paddock,
Bayard,	Edmunds,	*Randolph,*
Blaine,	Hamlin,	Rollins,
Burnside,	*Kernan,*	Sargent,
Christiancy,	*Lamar,*	Wallace,
Conkling,	*McPherson,*	Windom—22.
	Mitchell.	

The resolution as passed reads as follows:

"*Resolved*, By the Senate, the House of Representatives concurring therein, that all the bonds of the United States issued, or authorized to be issued, under said acts of Congress herein-before recited, are payable, principal and interest, at the option of the government of the United States, in silver dollars of the coinage of the United States, containing 412½ *grains each of standard silver*; and that to restore to its coinage such silver coins as a legal tender in payment of said bonds, principal and interest, is not in violation of public faith nor in derogation of the rights of the public creditor."

Senator RANDOLPH said: "He had no sympathy for the money kings, but he would cater to no passing passion, become cynics at any class of our fellow-citizens, though they have the misfortune to be rich. The capitalists were not bond-holders; the real holder of our government bonds was not even the great capitalist. To him the interest is too low, even upon the best of them. The registered books of the United States tell the story. Examine the books, and you will find the names of executors, trustees, religious, educational estates—not great estates, but small ones; you will find the names of widows whose slender means permit no luxury of income. You will rarely find large amounts in any one name, and still more rarely, if at all, in the name of 'capitalists.' These are facts that no rhetoric will refute. In conclusion, he argued that government bonds were held by savings institutions of the country, those special depositories of the provident poor. Life-insurance companies—which were among the most beneficent of modern institutions—had their reserve fund invested in them. The school fund in his own State was largely invested in government bonds. He believed that three-fourths of the government bonds were in the hands, or held for the benefit, of poor people."

Senator LAMAR said: "I do not believe that any such distinction exists in this country as all the capitalists on one side and all the producing classes on the other. It is impossible that it should be so in a country of such stupendous resources. Sir, prosperity is too shifting, fortunes are too mutable, to organize society upon any such basis. Men who are laborers one day, in a few years by industry and energy become capitalists, while those who were capitalists become, in the mutations of fortune and the laws of trade, among the class of laborers; and there is not a citizen of this great republic who can ever vote against the laboring classes of this country that he is not sure of striking a terrific blow at the interests of some of his own descendants who are destined, in the course of human events, to swell the ranks of the laborers of this country; nor can any man vote against the capital class of this country that he will not be throwing obstacles in the way of his posterity to rise to eminence and to fortune and to fame."

Part of a Nast campaign to reverse the reinstallation of silver as backing for the U.S. dollar

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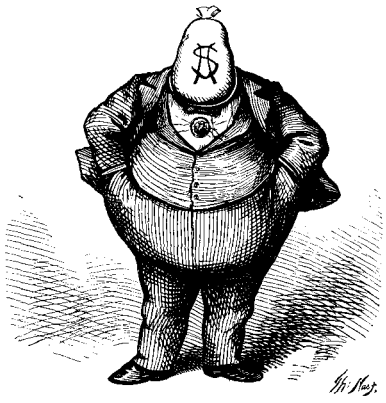
ROGER STARR

Thomas Nast: America's Premier Political Cartoonist

It certainly did not have the look of a fair fight when, on July 22, 1871, the bulky, menacing figure of William M. Tweed, Grand Sachem of Tammany Hall, "Boss" of the Democratic party in New York City and the guiding spirit of the Tweed Ring, found himself challenged by an artist, Thomas Nast, the German-born cartoonist whose work appeared primarily in *Harper's Weekly*. As a weapon against Tweed's sophisticated corruption, Nast's artistic talent was no more threatening than a peashooter. At first.

Tweed had no way of knowing that the cartoons Nast would draw of him and his partners in crime would be remembered far into the future as among the great products of the cartoonist's art. With stunning economy of line, they touched with bitter humor fundamental truths of human nature and assured Nast's reputation as the political cartoonist who probably had a greater effect on the real world than any other.



Boss Tweed

Although Nast's work throughout his life was sharply focused on the local and national political scene in America, he was, like many other illustrious citizens of his generation, born abroad. His father played the trombone in a Bavarian military band, and the Nast family lived in the regimental barracks in Landau where Thomas was born in 1840. His father's habits of free thinking and free speech, which had formerly seemed innocuous, became hazardous during the years preceding the revolutions of 1848; advised that his political views would attract less unfriendly attention in America, he emigrated with his family in 1846.

Eventually the Nasts came to reside on Greenwich Street in New York. Young Thomas attended a school where German was freely spoken, and entertained his schoolmates with the pictures he drew. He joined the studio of an artist, Theodore Kaufmann, enrolled later in the Academy of Design, and by the time he was 15, had sold his first drawing to Frank Leslie's *Illustrated Newspaper*. At 18, he was sent to England by the *New York Illustrated News* to draw the Morrissey-Heenan boxing match, and later, the famous Heenan-Sayers match (a lithograph of Nast's drawing of that fight hung for years in the Yale Club of New York). When he was 20, Nast embarked on the adventure of his life, joining Guiseppe Garibaldi on his landing in Palermo—the initial move in the liberation of Italy—and accompanying his forces up the mainland. Garibaldi was the embodiment of the romantic liberator who surely helped to stimulate Thomas Nast's later idealization of such American counterparts as Lincoln, Grant, and Sherman.

UPI / Bettmann

Thomas Nast, circa 1870

After Garibaldi's final victory, the 20-year-old future cartoonist returned to New York in late 1861. The turmoil surrounding Lincoln's inaugural trip to Washington and the firing on Fort Sumter at the Civil War's outbreak gave Nast his chance to achieve national renown by bringing the home folks graphic renditions of the reality of civil war. He contributed freelance drawings to *Harper's Weekly*, arguably the most influential magazine in the North. By midsummer of 1862, he had become a permanent member of its staff. His work consisted mostly of campaign sketches of his three heroes, Giuseppe Garibaldi, Abraham Lincoln, and Ulysses S.

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THE TAMMANY TIGER LOOSE.—"What are you going to do about it?"
(The first use of the famous Tiger symbol)

Grant, and a series of sentimental pictures upholding the Union in the Civil War, stoutly supporting President Lincoln's second term, and defying the 1864 peaceniks who were working for a compromise with the South and slavery.

After the war ended, the Republicans in Congress who had insisted on emancipation of the Negroes became convinced that the policies of Lincoln's successor, President Johnson, would reduce the freedmen and their families to a status approximating what it had been under slavery. Nast and *Harper's Weekly* supported these so-called radical Republicans in establishing federal agencies to aid the Negroes, and in the use of Federal troops to protect them from the violence of whites who refused to countenance the very idea of racial equality.

As interest in events in the south waned by the end of the 1860s, *Harper's Weekly* turned to local New York affairs. The city was governed by the Democratic party in which Tammany Hall, a Democratic club, wielded great power. Its undisputed leader was William Marcy "Boss" Tweed, a towering figure whose ancestors had been in New York for more than a century.

Tweed's power enabled him to instruct the vendors who sold construction materials, services, furniture, and stationery to the city to pad their charges liberally, and turn over the receipts in excess of their ordinary prices to Tweed himself for distribution to members of his "ring". The construction and outfitting of the Chambers Street County Courthouse for which the Tweed ring is most famous was just one of their swindles. The total take has never been accurately measured, but estimates run from $75 million to $200 million on the courthouse and other ripe municipal melons cut up by Tweed and his followers. Those were the days when a dollar's purchasing power was perhaps twenty times greater than it is today.

In his forthcoming history of Tammany Hall, *The Tiger*, Oliver Allen points out that Tweed was able to steal from the city with such impunity because of Tammany's unrivaled organizing ability. In post-Civil War New York, coordinated public and pri-

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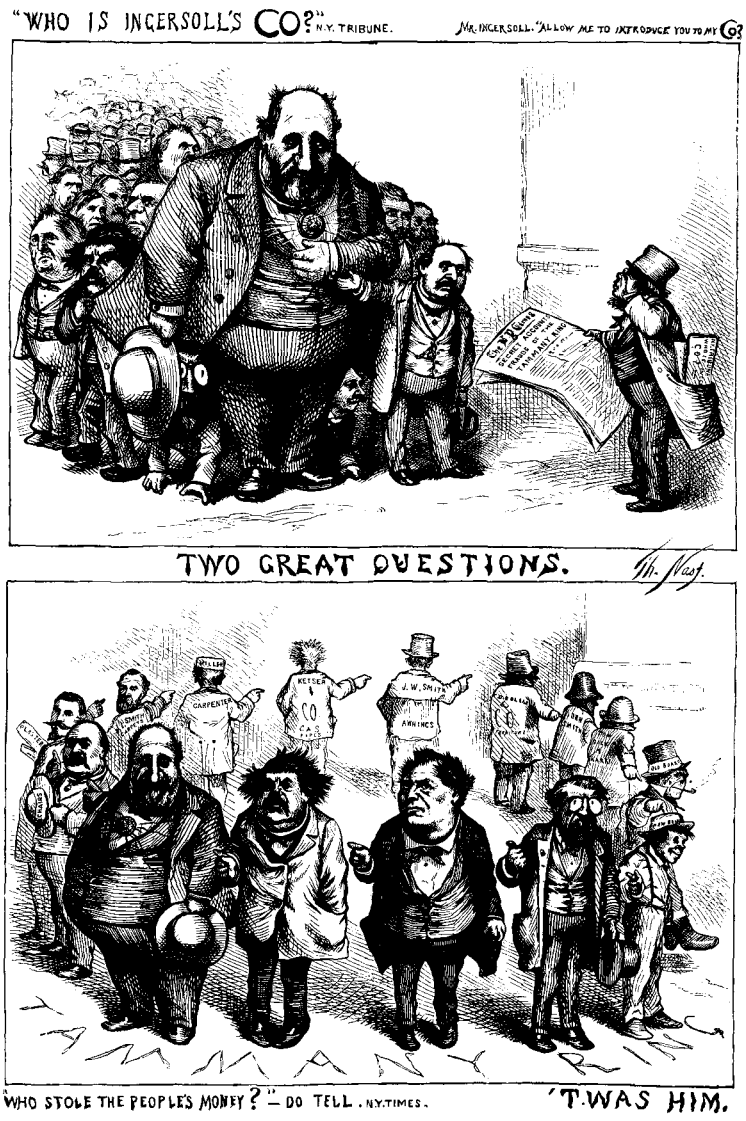
vate plans for orderly development were at a minimum, peace and order were easily overturned, and communications remained rudimentary. There was no telephone, no radio, no television, hardly any commercial telegraphs, only a few small newspapers, and a small number of civic organizations and clubs; there was scarcely any of what we now call news.

Moreover, in 1870 the nation was at the beginning of a tremendous industrial transformation, perhaps the greatest the world had ever seen. Details like commercial probity and government incorruptibility tended to be disregarded. New York's decent people in the 1870s can be described in modern jargon: they had confused their values. New Yorkers cared more about civic growth than they cared about civic virtue. Until Nast's courage showed itself in his cartoons, the Tweed group was so powerful that when one of its members arranged for an audit of the courthouse accounts by three New York bankers of unimpeachable probity, they reported back that the books were in perfect order.

Nast's challenge to the Tweed operation was made possible by the *New York Times*, then a wispy newspaper of no great reputation. Somehow, through a lapsed Tweedite, the newspaper obtained the real figures of what had actually been spent on the courthouse, and what had gone into the ring's pockets. They revealed that to furnish the new city courthouse with carpets, shades, and curtains, a businessman named Ingersoll and his company were paid $675,534 (which amounts to at least $6 million in today's dollars). For chairs alone, Ingersoll and Co. were paid $240,564. That approached the amount New York County expected to pay for the entire building, completely furnished. The good people shuddered. Nast turned the shudder into a surprise cartoon uppercut that was not cushioned by the Boss's flourishing beard.


"WHO IS INGERSOLL'S CO?" N.Y. TRIBUNE.
MR. INGERSOLL. "ALLOW ME TO INTRODUCE YOU TO MY CO?
TWO GREAT QUESTIONS.
Th. Nast.
"WHO STOLE THE PEOPLE'S MONEY?" — DO TELL. N.Y. TIMES.
'T WAS HIM.

That first cartoon changed the odds on the contest between good and evil, and raised Nast to an unprecedented new rank of eminence among American (and ultimately European) political commentators. That his comment was transmitted by images made it all the more effective: Tweed is reported to have grumbled that he didn't care what people wrote about him—most of his supporters

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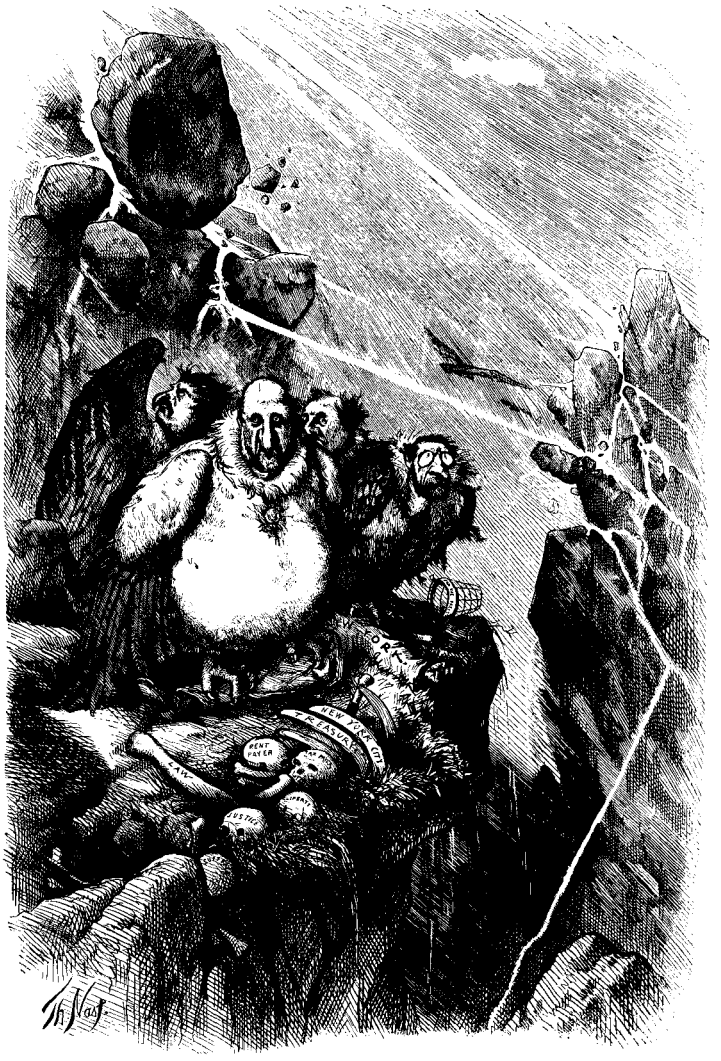

A GROUP OF VULTURES WAITING FOR THE STORM TO "BLOW OVER."—"LET US *PREY*"

could not read anyway. But everyone could get the point of a damned cartoon.

The vital first cartoon consisted of two separate drawings, printed one above the other. In the upper one, Nast gave his readers a tiny self-portrait that showed him holding a copy of the *New York Times* headlined "Secret Accounts: Frauds of the Tammany Ring." At the top of the sketch is a quotation from the *New York Tribune* asking the first of two "great questions": "Who is Ingersoll's Co.?" Facing the Lilliputian figure of Nast is the powerful Tweed. Peering out from behind the Boss's ample haunches, the reader can recognize the faces of the ringleaders. The small figure of Mr. Ingersoll, the vendor, stretches out his right hand as though to introduce Tweed and his colleagues as the "company" that received the excess payments Tweed instructed Mr. Ingersoll to collect.

It's an effective cartoon, but the companion piece below is the cartoon most students of New York City political history recall first when asked about Nast's work. That drawing answers the second question, "Who stole the people's money?" by portraying Tweed and his colleagues standing in a ring, facing outward from the center. The backs of Tweed's lesser known associates are inscribed with their names and the role they played in the courthouse scam. The four chief leaders face the reader and need no labels; they are readily recognizable through Nast's unique talent for capturing in a few lines not only the physiognomy of his targets, but a sharp revelation of their characters. Reading from left to right, they consist of the bearded Tweed, the inevitable diamond stickpin flashing on his shirt front; Peter Sweeney, the "brains" of the Ring, whose black hair stands up like the quills of a porcupine; Tom Connolly, the city comptroller, better known as "Slippery Dick," who cooked the city's books of account to conceal the depredations; and A. Oakey Hall, mayor of New York, and the one socialite and clubman in the ring, whose quick wit and silk-hatted friends kept him out of jail and exile. He was always identified in a Nast cartoon by the droopy angle of his pince-nez. Each man in the whole circle is, with a finger, designating the man on his right in obvious answer to the question, "Who stole the people's money?"

The pointing fingers identify

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a moral failing that Nast invariably invokes as the sign of irretrievable evil: disloyalty to one's associates. Thus, in the Nast catalogue of offenders, thieves are surely included. But the thief who refuses to incriminate his colleagues is by no means so evil as one who blames his fellows. Others whom Nast found wanting in loyalty were as harshly judged long after the Tweed Ring had been exposed and broken.

Another of the cartoons by which Nast brought down the ring is particularly impressive, not only because of its effect on public perception, but as a portent of the evolution of Nast's style. The cartoon shows four vultures with human heads—Tweed's, Sweeney's, Connolly's, and Hall's—perched on a narrow mountain ledge. Below the picture is the caption: "A Group of Vultures Waiting for the Storm to 'Blow Over.'—'Let Us *PREY*'."

Appending the features of miscreants to the bodies of birds, reptiles, and other nonhuman creatures became, through Nast's productive years, an increasingly effective device. There is a haunting quality in the juxtaposition of human and nonhuman characteristics in a single body. Nast is telling his viewers that the person he is depicting is not merely a man but a monster. Sometimes the juxtaposition of two species in a single body is so deeply troubling that Nast approaches the profoundly mystic response to evil of no less a figure than Hieronymus Bosch.

But that takes us ahead of our story. Nast's cartoons of the Tweed Ring had the effect of generating public energy as could no other device. Samuel Tilden, a somewhat ambiguous New York figure in the history of the national Democratic party, took up the anti-Tweed cause with vigor after the cartoons appeared. He appointed a notably independent and reliable citizen, Andrew Haswell Green, to review Comptroller Connolly's books. Green was able to prove that the ring had netted a profit of over $6 million through the figures of a single bank. His report led to the arrest of some members of the ring and the flight of others. Tweed himself was arrested, and later escaped from his New York prison, fleeing to Cuba and ultimately to Spain, where he was captured as a direct but wholly unintended consequence of yet another cartoon by Nast, from whose reach he was apparently fated never to escape.

At the time of the Democratic convention of 1876, Nast had published a cartoon depicting Tweed as a gigantic figure in convict stripes dragging two small figures of thieves to court for a judgment, with the intention of later allowing them to escape—a strategy Nast believed Tweed had once proposed to his colleagues. A copy of the car-

POLITICAL "CAPITAL".
IT HAS BLOWN OVER
WANTED REFORMERS OF THE TAMMANY CLASS
WANTED REFORMERS EDUCATED IN THE TAMMANY HALL SCHOOL OF REFORM.
REWARD AND
NO QUESTIONS ASKED.
ANYBODY WHO WILL BRING A FEW PLUNDERERS OF THE STATE TO JUSTICE (!) WILL BE REWARDED BY THE HIGHEST OFFICES IN THE GIFT OF THE PEOPLE
TAMMANY HALL SCHOOL OF REFORM.
SCHOLARS WANTED FOR REFORMERS.
REWARD TO THOSE WHO HAVE ASSOCIATED WITH THIEVES, AND
REWARD TO ALL PUBLIC THIEVES WHO HAVE ENOUGH AND CAN STOP OTHERS FROM CHEATING AND STEALING.
THEY WILL BE REWARDED BY HONORABLE POSITIONS AND FAT OFFICES.
IT TAKES A THIEF OR ONE WHO HAS ASSOCIATED WITH THIEVES TO CATCH A THIEF.

TWEED-LE-DEE AND TILDEN-DUM.

BEFORE TWEED. "If all the people want is to have somebody arrested, I'll have you pinafores convicted. You will be allowed to escape; nobody will be hurt;" and then TILDEN will go to the White House, and I to Albany as Governor."

THE CARTOON THAT CAPTURED TWEED*

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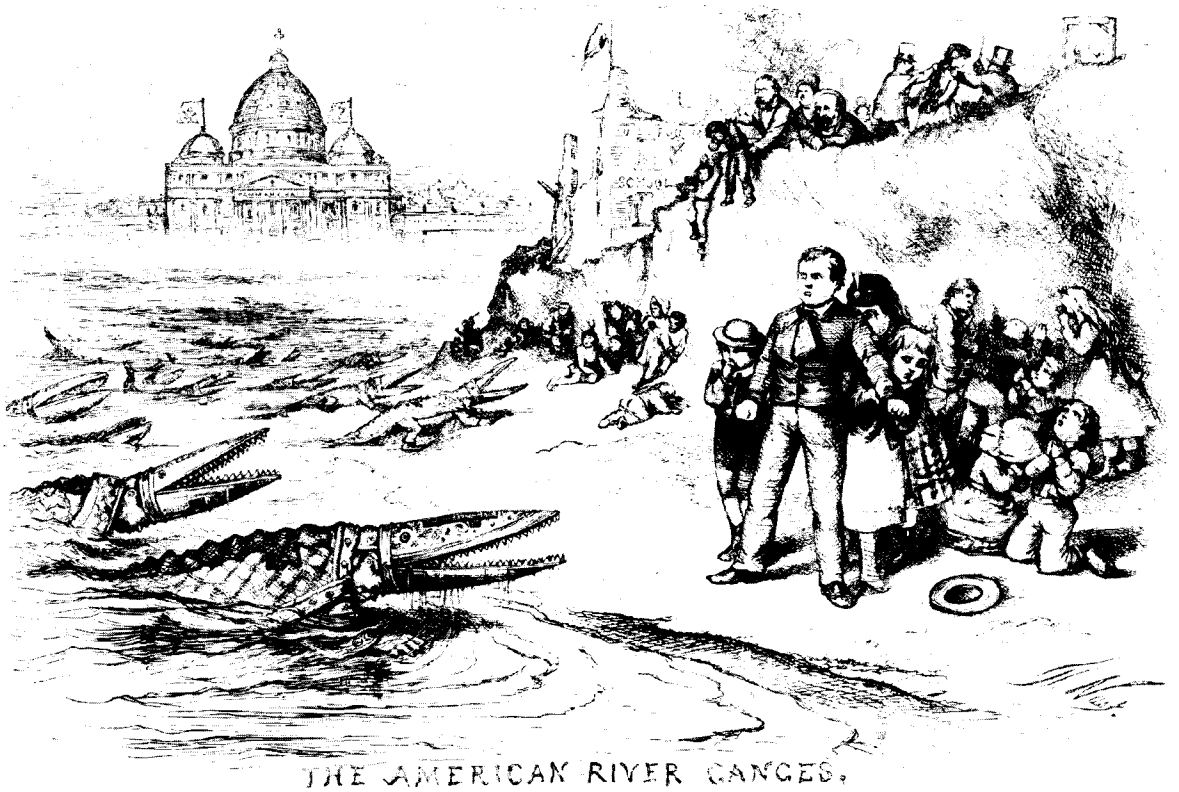
toon found its way into the hands of the Spanish police, who mistakenly thought it was a wanted circular, and that Tweed, easily recognizable by his size, his beard, and his diamond, had kidnapped two children. They arrested him and shipped him back to the United States where he was imprisoned in the Ludlow Street jail and, shortly afterward, died.

The artistry of Nast, the cartoonist, grew with improvements in reproduction technology that allowed pencil drawing to retain a sharpness of line that could not faithfully have been reproduced earlier. What he did not find again was a subject that consistently aroused in him the venom that Tweed's character and criminal achievements did.

In 1868, the New York State Legislature passsed a bill that allowed state funds to be granted to private institutions, including schools run by the Roman Catholic church. This action raised an intense public controversy over church-state relations that echoes down to the present day. The 1868 action roused in Nast a latent anti-Catholicism that probably reflected his liberal Protestant German upbringing as well as a distrust of the Irish, predominantly Catholic in number and almost all of them Democratic opponents of Nast's Republican party. The subject inspired some of his most bitter non-Tweed cartoons, characterizing prelates and nuns as the enemies, even the carnivorous enemies, of the state's children. One such drawing portrays human bodies with alligator heads fashioned from bishops' miters attacking children on a beach.

After 1870, President Grant was the last of the great heroes to inspire Nast's impassioned allegiance. An untiring supporter of the Republican party and of Grant's reelection not only to a second but even to a third term, Nast regarded the onetime supporters of Grant who accused the president of tolerating financial corruption during his second term as disloyal. Ultimately he accepted



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HIS NOTICE TO SECRETARY HAY THAT HE WAS READY TO START FOR HIS POST

Grant's own judgment not to run for a third term, but four years later he briefly took hope that a third term was a possibility.

Instead, it soon became clear that neither his wishes nor his drawings would have the effect he wanted. The 1876 election turned out to be the closest in American history, and was finally decided, amidst rumors of corruption on both sides, by a Congressional commission in favor of Rutherford Hayes. Nast was bitterly disappointed by what he considered Hayes's softness towards the South and the continued oppression of the Negro. That feeling, in turn, caused Nast to experience his first lasting friction with the management of *Harper's Weekly.*

There had always been a certain amount of tension between Nast and George Curtis, the editor of *Harper's*, who was more likely to take a temporizing view of politics rather than the fervent positions with which Nast felt comfortable. The difference between them over President Hayes grew quite serious, and was made worse by the death of Fletcher Harper, one of the original Harper brothers and effectively the magazine's publisher, who supported Nast strongly.

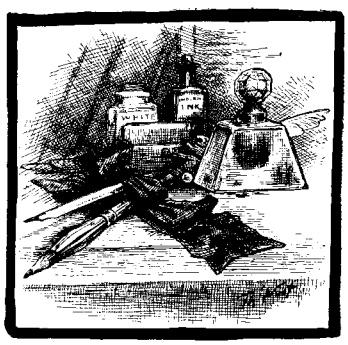
Meanwhile, Nast had prospered, not only through his relationship with *Harper's Weekly*, but from book illustrations, foreign rights, work for other magazines, and lucrative speaking tours which, as a family man, he detested. He enjoyed an income of $25,000 a year, regarded as a rich man's emolument in those days, and bought a comfortable house in Morristown, New Jersey, where many illustrious political figures, writers, and artists visited the Nast family.

Unfortunately, as a result of the changes at *Harper's Weekly*, Nast had concluded that he could only be free from artistic and political compromise if he had a magazine of his own. Recognizing that he lacked sufficient capital to start a magazine, he sought more speculative investments, all but one of which—the purchase of a lot in Harlem years earlier—turned out badly. Worst of all was his investment in the firm of Grant and Ward, the railroad financing firm in which the former president was a partner, though Grant, who lost all of his own capital, was not considered responsible for the firm's ultimate bankruptcy and the loss of most of Nast's assets.

The last issue which inspired in Nast something of the fervor of his earlier years was the reinstallation of silver as backing for the United States dollar. He regarded this proposed policy, fostered by the western states where silver was mined and where the agricultural interests suffered from their usual shortage of capital, as a device for paying off debt with far less valuable dollars. Actually, when a bill was passed establishing the value of a dollar at 412½ grains of silver, the markets took this step in stride and the dire forecasts made by Nast were shown to be mistaken.

Nast continued to work at illustration and drawing, earning enough to support his family, but in 1902 he was offered a consulship in Guayaquil, Ecuador, by President Theodore Roosevelt and accepted it. He died there, alone, before the year was out, presumably of a fever. He was only 62 years old.

Though many of Nast's judgments were sound, and his art was capable of great strength and of a vivid and individual pictorial sense, it is hard to avoid the feeling of sadness that he never again found a subject that aroused his spirit and talent with the force of insight that Boss Tweed and the City of New York inspired in him. ■



A SKETCH FOUND IN NAST'S DESK AT MORRISTOWN

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HOWARD HUSOCK

Urban Iconoclast: Jane Jacobs Revisited

She did to urban renewal what Rachel Carson did to DDT and Ralph Nader did to the Corvair. *The Death and Life of Great American Cities* marked Jane Jacobs as one of the great protest authors of the early 1960s. Upon the release of her book in 1961, the idea of wholesale government clearance of poor urban neighborhoods, whether for housing or highways, almost immediately fell out of favor. It is not surprising then, that three decades after its release, *Death and Life* has recently been included in the Modern Library series of classics.

Despite her prominence, Jacobs has been almost universally misunderstood. Her role in the public life of New York in the 1960s may explain some of this misunderstanding. Her opposition, to the point of arrest, to plans for a highway through Washington Square Park and to a development scheme that would have destroyed hundreds of buildings in the West Village has lead her to be seen as the mother of all preservationists, pedestrians, and community activists. And because she moved to Toronto (where she remains) in part because of opposition to the Vietnam War, it is assumed she is a woman of the Left.

That she is none of these is not superficially apparent from her work. Because *Death and Life* poetically describes the rhythms of neighborhood street life—its teeming sidewalks, local characters, and small merchants—Jacobs is frequently invoked as the patron saint of old neighborhoods, protecting them from rapacious developers who would supplant the last drugstore that still has a soda fountain. Because she writes of the value of small blocks and smaller buildings, it is easy to infer that she is a Jeffersonian opponent of bigness per se, whether of new developments or firms—or even cities, if they get too large.

But Jane Jacobs has no more desire to buffer cities from change than Herman Melville had to save the whale. For Jacobs, change is the very essence of city life. One cannot seek through public policy to "freeze conditions and uses as they stand. That would be death," she wrote in *Death and Life*. Indeed, her great trilogy of works on cities—*The Death and Life of Great American Cities* (1961), *The Economy of Cities* (1969) and *Cities and the Wealth of Nations* (1984)—are a plea for us to understand the dynamism, crucial to human progress, that arises in cities relatively unfettered by government. "Most city diversity," she writes in *Death and Life*, "is the creation of incredible numbers of different people and different private organizations, with vastly differing ideas and purposes, planning and contriving outside the framework of public action. The main responsibility of city planning and design should be to develop—insofar as public policy and action can

Michael Morisette

Jane Jacobs on Bloor Street in Toronto, 1993.

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do so—cities that are congenial places for this great range of unofficial plans, ideas, and opportunities to flourish."

The Jane Jacobs story is a remarkable one. A native of Scranton, Pennsylvania, Jacobs came to New York without having gone to college, worked as an editor for *Architectural Forum*, and raised her family on Hudson Street. Her confrontations with the city's bureaucracy over its plans for her own neighborhood inspired her not only to organize community protests, but to embark on an intellectual journey. It was a journey in which she pondered, for more than two decades, what makes cities and neighborhoods work. New York was her crucible of experience and has remained the city in which her name carries the most renown, making it all the more important that New Yorkers understand her, lest policies, ostensibly in "the Jane Jacobs tradition," further undermine a city she loved.

Jacobs still has much to offer us, but not what is commonly assumed. Though culturally associated with the Left, Jacobs dared to follow the logic of her own observation in ways that lead her to oppose much that the Left stands for. The real Jane Jacobs not only enjoys busy city blocks, but deplores high levels of welfare spending that inhibit urban economies. The real Jane Jacobs not only enjoys the great variety of small businesses which cities offer, but questions the public operation of services such as transit that preempt the formation of private competitors.

How do such views follow from those she is most often associated with? To begin to get Jane Jacobs right, one must understand why she opposed urban renewal. Her opposition has generally been understood to be based on aesthetic and planning concerns. And there is no doubt that the design of public housing deeply concerned and offended Jacobs. In her view, the quintessential housing-project design of the high-rise tower set in a plaza or park defied common sense. Plazas which aren't regularly traversed by people for a wide range of reasons—some going to work, some to the library, some to their homes—are apt to become dangerous gauntlets, as are the long corridors in high-rises, where the neighborly eyes Jacobs found watching the street in old neighborhoods are absent. The wealthy might be able to afford doormen and security patrols but, Jacobs made clear, the less affluent need the self-policing that older, unplanned neighborhoods can provide.

But the heart of Jacobs's quarrel with the advocates of urban renewal and city planning involved much more than design considerations. In Jacobs's view, urban renewal was simply one manifestation of a set of beliefs that threatened to smother the economic life of cities as well as level old neighborhoods. Put another way, Jacobs actually saw herself as an apostle, not an opponent, of progress, but was convinced that policies pursued in the name of economic and aesthetic improvement were actually anti-modern and would deaden the city's economy.

Jacobs's concern about the economics of city life manifests itself in her heartfelt protests about

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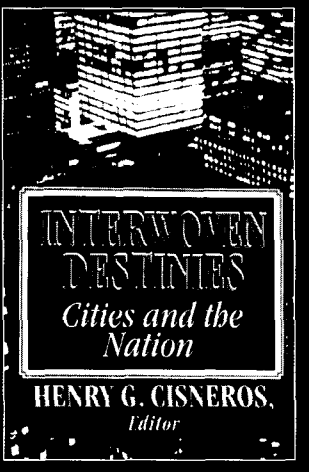

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the number of businesses destroyed to clear the path for "renewal":

> People who get marked with the planners' hex signs are pushed about, expropriated, and uprooted much as if they were the subjects of a conquering power. Thousands upon thousands of small businesses are destroyed, and their proprietors ruined, with hardly a gesture at compensation.

The small businesses she eulogized were being replaced by an anti-city within the city: enormous towers set in dangerous windswept plazas. This was the culmination of a chain of ideas—Ebenezer Howard's suburban Garden City, LeCorbusier's high-rise Radiant City, and Catherine Bauer's massive state-subsidized housing complexes—each of which attempted to control the disorderliness of the modern city and put the genie of growth and change back in the bottle. Jacobs did not hesitate to link such planning, with its obvious elements of regimentation, to the totalitarian impulse, to the "repression of all plans but the planners'." Urban renewal destroyed a human ecosystem of myriad interdependencies and surprising accidental improvements that were the result of individual initiative, not economic development offices.

The construction of new housing projects not only destroyed existing businesses, it also suppressed future economic activity by designating a limited amount of space for preordained commercial activities—for instance, leaving room for only one grocery store and one hairdresser. According to Jacobs, this represented a misuse of the power of the

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state for "monopoly planning." Moreover, people who have ideas for new businesses need the cheap space offered by older, sometimes rundown buildings. "Old ideas can sometimes use new buildings," observes Jacobs. "New ideas must use old buildings."

Much more was involved in Jacob's protest against urban renewal than a simple concern for small local merchants themselves. By suppressing economic diversity, urban renewal struck at the very heart of the city. For in Jacobs's view, cities cannot be viewed simply as places where large numbers of people live and work. They are the centers of all creative economic activity, and the engines of human progress by virtue of the ways in which they allow for the expression of individual ingenuity. New economic ideas take root within cities because only in an urban setting can entrepreneurs find convenient suppliers of parts and services.

Small businesses are the source of the city economy's regeneration. Jacobs's favorite example is the story of a New York dressmaker named Ida Rosenthal, who in the 1920s, as a bonus to her customers, produced a corset substitute: a natural-looking brassiere. Her invention led her to leave the dressmaking business to found the Maidenform company. The fact that Maidenform ultimately built its headquarters in New Jersey does not dismay Jacobs: when firms become large, she expects them to leave their city home. The creative spark is always creating new work: "a playground designer starting to make and sell equipment for nursery schools; a cleaner of clothing starting to sell her cleaning fluid, a sculptor starting a line of costume jewelry." Jacobs's concern lies in the failure of cities to generate such replacement enterprises. She is not enthusiastic only about manufactured goods; new financial instruments that facilitate capital markets and, indirectly, other kinds of development, move her as well.

Again and again Jacobs warns against government policies that are insensitive to this process of economic generation and regeneration—an insensitivity which she clearly believes can be just as fatal to whole cities, and ultimately to national economies, as urban renewal was to specific neighborhoods. This leads her to oppose the value-added tax, because it imposes a tax on each step of production and would specifically handicap urban start-up businesses, which depend on a long chain of suppliers and contractors. She even goes so far (in *Cities and the Wealth of Nations*) as to express concern about the notion of a single national currency, which, she believes, skews the terms of trade by locking all of a nation's cities into one exchange rate. Thus her fondness for city-states such as Hong Kong and Singapore. She (like Margaret Thatcher) would clearly by cheered by such developments as the breakdown of the European monetary union and the emergence of so many new states within the former Soviet empire.

Jacobs was particularly concerned about the economic effects of high social spending. Thus, she objects to New York's $300 million investment during the 1950s in public housing in East Harlem, not only because it leveled 1,300 Puerto Rican-owned businesses and pro-

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duced dangerous, unsightly, crime-ridden projects, but because it represented a massive diversion of capital away from private-sector entrepreneurs. "Consider," she writes in *The Economy of Cities*, "how much investment in new and young enterprises might be bought with $300 million." She feels the same way about New York's high levels of welfare spending—which she characterizes (in *Cities and the Wealth of Nations*) as a "transaction of decline." At a time when New York's welfare spending was a mere $1.4 billion, she wrote, "Suppose 10 percent of that were invested annually in new and young enterprises; consider how many such investments could be bought. . . . Does 10 percent of the welfare budget seem a lot? But welfare costs have doubled in only a few years, which means that much more than an annual 10 percent increment has been available for a thoroughly unproductive type of expenditure."

Nor would Jacobs accept the inevitable protests that such a diversion of funds would victimize the poor and minorities. In her view, it is from those of modest income that important new ideas arise. Again and again, Jacobs, presaging Walter Williams and others, makes clear that her particular concern is the effect a pronounced public-sector role in planning has on the poor. She fears that in its zeal to help the poor through redistribution of goods and services, government will preclude the rise of the poor through their own ingenuity, and consequently rob society of the fruits of that ingenuity:

> Acute practical problems in cities often bear most heavily upon people lowest in the social hierarchies, and thus are noticed, and also often understood, by those people long before they are taken seriously by those who lead more sheltered lives. If people who do lowly work cannot add new work to it . . . serious practical problems that will ultimately affect everyone are apt to remain unsolved.

What is more, she continues, without the motivation to apply their own ingenuity to problems at hand, the poor are more apt to remain poor:

> A metropolitan economy, if it is working well, is constantly transforming many poor people into middle-class people, many illiterates into skilled people, many greenhorns into competent citizens. . . . Cities don't lure the middle class. They create it.

It is not that Jacobs sees no role for the public sector. Libraries, concert halls, arenas, and municipal offices, when properly sited within neighborhoods rather than in their own "fortress" settings (Lincoln Center draws her fire), can help keep neighborhoods safe and encourage the formation of spin-off businesses. According to Jacobs, government can facilitate commerce—the ultimate purpose of cities—but must resist two major temptations: the first, to redistribute income in too great a degree, and the second, to allow itself to be captured by mature industries whose interests diverge from those of the new generation of economic innovators. "There is no point in pretending that economic development is in everyone's interest. . . . Economic development, no matter when or where it occurs, is profoundly subversive of the status quo," she writes. Thus, logically, Jacobs would be saddened by the sight of the mayor of New York begging established firms to stay rather than creating a climate conducive to the start-up of new firms.

Today one can imagine Jacobs protesting a different set of public policies and practices than those which concerned her in the 1960s, but for the same essential reason: concern about the economy of cities. Commercial rent control, to the extent that it provides older businesses with an incentive to remain too long in commercial space and blocks the entry of new firms into the market, would be likely to worry her. So would the competitive disadvantage to New York-based manufacturers of high local property taxes and the local sales tax. She would be aghast at the city's multibillion-dollar investment in the rehabilitation of abandoned apartment buildings—because it both diverts capital from new economic ideas and concentrates large numbers of subsidized tenants in buildings owned, albeit indirectly, by the city. Jacobs, in *Death and Life*, favored a voucher-type system in which low-income tenants were placed in privately owned, taxpaying buildings, preferably run by owners who live on the premises. And she was by no means strong in her endorsement even of this limited form of public subsidy.

Moreover, by 1969 her concern about New York's overall planning, policy, and economic blunders apparently made moot the question of how best to subsidize the housing of the poor. Typically, she took a long view. In *The Economy of Cities* she wrote:

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> Beginning in about 1800, New York enjoyed tremendously high rates of development for twelve or thirteen decades. That they have continued is unlikely, for many recent signs inform us to the contrary: absolute declines in the sheer number of enterprises in New York; persistent growth in the numbers of idle and underemployed poor; remarkable growth of unproductive make-work in the city bureaucracies, make-work which, more and more, is depended on to take up the slack of insufficient useful work for the city's high school and college graduates, piling up of undone work and unsolved practical problems, lack of new kinds of manufacturing work to compensate for the losses of old; a seemingly compulsive repetition of existing ways of doing things even though it is evident that what are being compulsively repeated are mistakes; lack of local development capital for new goods and services, accompanied by a surfeit of capital for projects that destroy existing enterprises and jobs. . . . All these are classic signs that a great city is dying economically and their clear evidence in New York announces that the city's once vigorous development rates have been declining badly for some decades and that the decline is probably accelerating.

That said, there are some developments in New York's economic and political life which Jacobs might cheer. She would certainly be intrigued by the Staten Island secession movement since she devotes an entire chapter in *Death and Life* to "governing and planning districts" and takes the view that government should have succinct geographic locales on which to focus. Jacobs wants public officials to get to know specific places well so they can deliver public services in ways which fit the needs of those places. This leads her to favor decentralization: "In short, great cities must be divided into administrative districts . . . [that are] horizontal divisions of city government." She does not specifically call for a return to independent boroughs in New York, but her logic leans in that direction.

Fundamentally, however, one does not look to Jane Jacobs for specific policy prescriptions, though she explores many ideas in fascinating and original ways. Her essential message is far broader. It involves a faith in cities and people to work out their problems in original ways, ways which will create new jobs, new wealth, and, ultimately, lead to new problems that people will eventually solve as well. Cities are the forum in which this all happens, the place in which intellectual and economic cross-pollination occurs.

If she came back to Hudson Street today, Jacobs might not be disappointed to find it radically changed. She would be unhappy had her old building been leveled and replaced by subsidized apartments or by a highway which had cleared away small businesses. But if the storefronts had changed, if there were new businesses on the second and third floors, if there were vendors from different parts of the world fleeing rural poverty for the opportunities of New York, she would revel in such change and savor its permutations. Those who would do the same, who would have New York and all the cities of America grow and flourish again, can claim Jane Jacobs as their own and look to her anew. ■

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JACK EDWARD FIELDEN

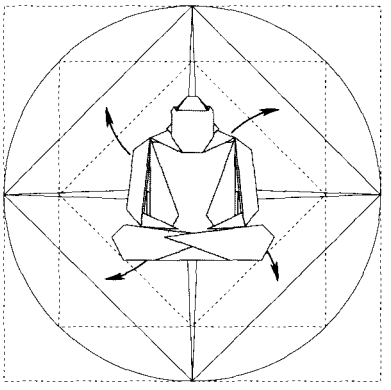
A Touch of Tokyo

A few blocks up from Grand Central Station on Vanderbilt Avenue at 45th Street, a new bookstore stands out from among the typical midtown storefronts of office supplies and lunch plates. Lit up from within by fluorescent lights behind large clean windows, the Asahiya Bookstore looks like a glass aquarium. From the sidewalk you can see the whole of the store's square space—the off-white walls, the straight rows of wooden bookcases and neatly stacked magazines. But being this conspicuous goes beyond an intelligent degree of self-advertisement: the bookstore is Japanese, and its owners have painstakingly reproduced the store to be as familiar to its customers as any in Japan. Even its location is part of the plan. "In Japan there are many bookstores near the train stations. It is where Japanese expect a bookstore to be," Kazuo Chiba, the general manager, told me while we sat in his office at the store.

If there is a common location for an American bookstore these days, it is down a long stretch of hallway in a suburban mall. And a really good bookstore, one with a deep selection such as a Pageant, or a Strand, or a Powell's out in Portland, is usually in a neighborhood that once bustled a little more: a good bookstore in America is truly a find. Moreover, it usually has a Dickensian sort of charm—its quarters cramped and poorly lit, its stuffed bookstacks mismatched in size and out of reach.

Asahiya couldn't be further from our form. The books in a Japanese bookstore are displayed as if they had been spaced by a ruler and balanced by a compass. Most Japanese books are the same size, and are arranged spine out in a tight geometry of squares. Employees in uniform—the men in dark trousers and ties and the women in glen-plaid vests and shorts—constantly sweep the aisles to tend the stacks, reordering shelves that have been browsed through, restocking loose rows for a tight fit.

When I asked Mr. Chiba



what he thought was the greatest difference between the two types of bookstores, he took out a cigarette and there was a long pause. Finally he said, "The owner of a Japanese bookstore doesn't pay for the books outright. He pays the publisher a percentage only for the books that are sold, and the rest are returned." American publishers and booksellers have the opposite arrangement: unsold stock is usually not returnable. He went on, "But our way is only good to a point. It can make you lazy, and sometimes too relaxed."

Translations of American authors are brought out quickly if they are likely to succeed in the Japanese book market. Adjusting his dark-framed glasses, Mr. Chiba named the two most popular American titles in the store, *The Bridges of Madison County* and *Rising Sun*, both of which are currently at the top of the *New York Times* best-seller list. There are plenty of translations of other English titles in the store, everything from *King Lear* to *American Psycho*. Another popular title is *Il Pendolo di Foucault*. "Umberto Eco is very famous in Japan, more than any other European author I can think of," Mr. Chiba said. The store also carries Japanese authors familiar to English speakers, such as Banana Yoshimoto, author of *Kitchen*, Ryu Murakami, a science-fiction-murder-mystery-and-romance-writer, and Haruki Murakami, who, I was told, is "mainstream, like Fitzgerald or John Irving." But Mr. Chiba said there aren't any Japanese Stephen Kings or Tom Clancys or Michael Crichtons. In Japan, that kind of giant success belongs to the comic books and to one of their creators, Osama Tezuka.

Japanese comic books are small, good-quality paperbacks, and they take up about a third of the Asahiya Bookstore's space. The comic book craze is so sweeping and entrenched among the Japanese that there are also weekly comics in the form of magazines. According to Mr. Chiba, the overall best-seller in the store is a 300-page weekly magazine called *Jump* that contains about two dozen serialized comics.

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And if that's not enough, there's a monthly edition, and a weekly *Jump* for children, too.

When Chika Kariya, one of Asahiya's employees, gave me a tour of the store, she began by taking me to the back corner where the aisles were crowded with customers reading the comic books. She showed me two bookcases of volumes handsomely bound in white covers with black trim and a number on each spine circled in red. "These comics are by Osama Tezuka. He just died, but his books are very famous in Japan," she explained, and pointing to one of the rows, she continued, "These are about Buddhism. His comics are deeper than the others."

At the front of the store, magazines are placed in a long row on both sides of an aisle. These are the store's most popular items. "Most of our customers live in this country, but they want to know what is going on in Japan. So they come here to buy the magazines and read the gossip and see the fashions," Mr. Chiba said. Besides *Jump*, the other big selling magazines are *Hot Dog*, a men's fashion magazine; *Nonno*, a fashion magazine for teenagers; *Alba*, a golf magazine; and *Bungei Shunju*, a thick magazine with drawings of flowers on the covers, a kind of *Reader's Digest* or *Modern Maturity*.

After 7:00 P.M. the bookstore starts to fill up with people. Asahiya is open seven days a week, but its busiest time is after Japanese work hours. Many of its customers work for Mitsui, a Japanese insurance company, and Tokyo Bank, both within a few blocks. Mr. Chiba, the store's manager, began to have a restless look on his face and put his cigarettes in the top drawer of his desk. It was time to go back to work, though I could see he didn't know exactly how to extricate himself in a polite manner. I remembered his earlier remark about how he hadn't been in the States a year yet. But any efforts I made to conclude our conversation didn't seem to work. When I said, "Thank you very much," he just nodded his head and was silent. The translator coughed.

Then the manager's face changed—he seemed to have forgotten something. He had shown me an authentic Japanese bookstore, but he hadn't shown me the place behind it all. He reached for a little cardboard calendar on his desk and pointed to a snapshot of the Japanese coastline with its blue water and white sands. Suddenly no translation was necessary. For the Japanese in New York, Asahiya is more than just a bookstore—it's a link to their homeland half a world away. ■

1	A Stranger in the Mirror 私は別人 (上)(下)	Sidney Sheldon シィドニィ・シェルダン
2	Preparing for the Political Restructuring of Japan 日本改造計画	Ichiro Ozawa 小沢 一郎
3	The U.S. Economy at the End of the Century ドル帝国の世紀末	Shigeo Nakao 中尾 茂夫
4	Frankly Speaking About Religion フランクリー・スピーキング	Ryuho Ohkawa 大川 隆法
5	Education of Japanese Children in New York ニューヨーク日本人教育事情	Mitsuyo Okada 岡田 光世
6	The Bridges of Madison County マディソン郡の橋	Robert J. Waller ロバート・J・ウォラー
7	The Last Conspiracy of Evil 悪魔最後の陰謀	Izumi Koishi 小石 泉
8	200 Key-Words in American English アメリカ200のキーワード	Hiroshi Akima 秋間 浩
9	The Mystery of Hamidashi Ryo-San Police Station 「こち亀派出所」ハミだし両さんの謎	Kochira Katushika Institute 「こち葛飾」研究会
10	The End of Aesthetics 終りの美学	Yoko Mori 森 瑤子

Asahiya Bookstore's fall 1993 bestsellers

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SUSAN VIGILANTE

The Ten-Foot-Tall Officer

Officer Patrice Turner and her partner were out on their regular morning patrol in the mid-forties around Eighth Avenue. This part of the city is almost never what anyone would call quiet, and at 8:00 A.M. the streets were still thronged with the usual nightmarish rush-hour traffic. But for Turner and her partner at least the morning had been routine: a few tickets to write, chats with local storeowners, keeping a weather eye for pickpockets.

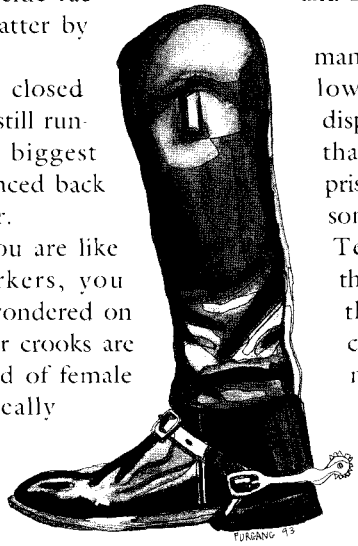
They were on the northwest corner of 46th and Eighth when Turner saw two men in suits racing towards her, yelling at the top of their lungs. "Stop that guy! The one in the blue suit! With the briefcase!"

A man in a blue suit in midtown, at rush hour. Not exactly a unique description easy to pick out in a crowd. But from Turner's vantage point astride her partner—a beautiful, 15.2-hand thoroughbred named Miller—she spotted him easily enough, running for all he was worth. As he rounded the corner and headed east on 45th Street, she and Miller were dodging Eighth's four lanes of traffic, treating motorists to what some of them must have thought was a rerun of "McCloud," and trying very hard not to break their own necks. By the time they picked their way through the gridlock and turned east on 45th, Miller was in full canter, going against the oncoming traffic.

The man in the blue suit was fast—in a two-legged sort of way. But although most New Yorkers have never seen them do it, police horses can really run. It is a very impressive sight, all the more so for its rarity. Even a thoroughbred on the stretch at Belmont does not look quite so urgent, because a thoroughbred on a track is supposed to be running. If you ever see a mounted chase through Manhattan traffic, you may decide racing is a light matter by comparison.

As Turner closed in, the suspect, still running, made his biggest mistake. He glanced back over his shoulder.

Now, if you are like most New Yorkers, you have probably wondered on occasion whether crooks are sufficiently afraid of female cops. I mean really afraid—afraid enough to make an impression, or evoke a little cooperation. Turner and her partner clearly made an impression. Forty-fifth Street is not a dead end, but when the thief saw 1,200 pounds of horseflesh closing in on him at a near gallop, his eyes widened, and he froze in sheer terror. He dropped the briefcase, turned around slowly, and, without a word from Turner, reached up and put his hands behind his head and waited meekly for the two-footed officer to arrest him. Talk about good cop, bad cop. (The briefcase, incidentally, was stolen from a guest at the nearby Marriott Hotel. It contained some $20,000 in cash and travelers checks.)



The Mounted Unit of the New York City Police Department is surprisingly small given how powerful an impression it makes on the cityscape. Some 150 officers of all ranks, including two captains, six lieutenants, and twelve sergeants make up the roll. On one wet, chilly afternoon recently I visited them in their home at the police stables on 42nd Street between Eleventh and Twelfth Avenues.

The mounted command is housed in a plain, low square building, a dispiriting utilitarian affair that one is not at all surprised to learn once housed some offices of New York Telephone. Even today the only exterior decor is the gray and blue paint covering the walls in neat, regimental stripes.

The offices on the second floor are simple. A handful of small private offices reserved for officers of rank surround a larger common room for everyone else. But despite the simplicity and the NYNEX architecture, the panache of the unit is everywhere apparent; outside a gold-shield homicide squad you probably will not find an NYPD unit with more esprit de corps, a deeper sense of its own history, or greater pride in its special calling.

The unit's founding members were mostly Civil War cavalry officers. To the civilian eye their uniform may simply seem like a functional adaptation of NYPD blues, but in fact it is a slightly

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modernized Civil War cavalry uniform. And as absolutely every mounted officer you ever meet will tell you, the saddle the unit uses is a "McClellan Saddle," named after, and perhaps designed by, the father of the Army of the Potomac, who, however much trouble he had dealing with Robert E. Lee, by all accounts cut a magnificent figure in the saddle.

The unit's sense of pride is evident as well in the military shine of the highly polished riding boots on nearly every officer, and in the painted portraits of memorable horses, including some true equine heroes, on the walls. An entire room is devoted to mounted police history. Old photographs, antique mounted uniforms from the NYPD and around the world, and assorted memorabilia are displayed in glass cases; framed newspaper articles and more pictures line the walls.

Officer Turner takes me downstairs to see the stables. In civilian life Turner was a hairdresser. She took the NYPD civil-service exam on a lark because a friend was taking it; but she comes, like so many cops, from a cop—or, in her case, cop and fireman—family. Her grandfather was NYPD, her father and husband firefighters, and her brother, an NYPD recruit, will inherit their grandfather's shield when he reports for duty this winter.

Like the offices, the stables are simple: concrete floors, wooden stalls, the good old stable scents of hay and horseflesh banishing for a happy moment all thought of the city outside. The name of each of the thirty horses stabled here is posted on its stall. When I remarked on one called, unusually I

David Lubarsky

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thought, "Levine," Officer Turner explained that he was named after a retired officer. Roughly another hundred horses are stabled in the Bronx, Brooklyn, and Queens.

Police horses work hard for a living, spending long hours on patrol under conditions of noise and stress that would render most horses unreliable, balky, or dangerous. They earn a great deal of respect and affection from their officers in return. A mounted officer can tell you the name of every horse he ever worked with, what the animal was like, and what kind of a team they made. When the time comes for a horse to retire from active duty he is sent to "horse heaven," a farm in Orange County, to spend his remaining days being fed and groomed and trotting about with the other retirees. An enviable afterlife.

Once upon a time the city purchased nearly all the horses. But although the unit is remarkably effective on patrol and is indispensable for certain tasks, it has been a favorite budget-cutting target for years, misunderstood by green-eyeshade types who often seem to assume the mounties are no more than a cosmetic adornment, like military bands. To keep the unit up to full strength, the NYPD has for many years relied on donors who give the unit the $2,000 average purchase price of a suitable animal or even donate horses of their own. Donors do not go unacknowledged: a horse donated by the Milton Bradley Corporation was christened "Checkers"; another from the folks at Madison Square Garden was dubbed "Arena." Broadway and film star Bernadette Peters gave two, now known as "Peters" and "BP." Officer Turner's Miller was named after his donor, too.

Not just any horse will be accepted. The animals are chosen for size, temperament, and "uniformity of appearance." They tend to be bays, dark browns with black markings (mane, tail, etc.), and they are geldings. There are also a few chestnuts; there have been grays but none at present. Through the donor program the unit has also boasted the occasional thoroughbred and even one Appaloosa. Horses must be at least 15 hands high, sound of wind and limb, and free from the equine vices of biting and kicking. Once accepted, a horse is sent out on probationary patrol. If he can deal with the traffic and the general mayhem of the city, he is given a name and formally accepted by the unit.

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Officers for the Mounted Unit are recruited from the other branches of the police force. From roughly 150 to 200 applicants per year, some 15 or 20 are finally selected to train as mounted officers. Training can last from ten weeks to several months, depending on how urgent the need for new officers is. There are two training sites, one in Brooklyn at Coney Island, and one in the Bronx at Pelham Bay Park.

Most candidates are not riders when they first come to the unit. The officers of the Remount Unit, as the training facilities are called, teach the candidates everything they ever wanted to know about horses and then some, including a lot about the care and feeding of their future partners. But for most of the course, candidates spend eight hours a day walking and trotting, developing a good seat, and learning how to control the horse under the adverse conditions of city streets. As one auxiliary mounted officer explained, "Walk, trot, and canter" (the simple skills that traditionally separate a journeyman rider from a raw beginner) "are not what we are looking for. What matters is being able to hold your seat and keep horse and bystanders safe in a real emergency."

During her training, Officer Turner once managed to get herself hurled into a wall headfirst, straining every ligament in her neck and seriously injuring her shoulder (the horse was unharmed). By the afternoon session she was back in the saddle, practicing keeping her knees in, her heels down, her shoulders back, and all the other painstakingly acquired body habits that go into English riding.

Most people, especially city folk, are either intimidated by horses or impressed by them. Much of the unit's usefulness flows naturally from this fact. Besides leading parades and posing for tourists, mounted officers spend a lot of time doing crowd control for demonstrations and parades. Crowd control is mostly a matter of letting the crowd know someone is in control, and a line of mounted officers is very visible. If a mounted officer tells you to move back, you have to take into account not only whether you want to give this nice officer a hard time, but whether you really want to invade the personal space of his perhaps less predictable and tolerant four-footed partner.

But crowds and parades are only part of the job. The bulk of the Mounted Unit's work is far less glamorous or visible, and far more useful to the city on a day-to-day basis. What the Mounted Unit does is virtually a textbook example of what is now called community policing.

Community policing encourages police to build a relationship with citizens. The theory is that better communications will encourage trust in police. This in turn will make it easier for police to maintain order and to enlist the help of community members when they need it. An officer on a horse is an attraction, almost an invitation to conversation (at least when they are standing still and not chasing you crosstown on 45th Street). "If a person has a choice between approaching an officer in a radio car and a mounted officer," one of the unit's lieutenants told me, "nine out of ten times he'll pick the

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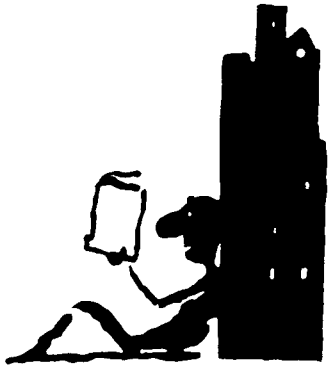
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mounted officer." Officer Turner, who spent several years as a radio-car officer before coming to the Mounted Unit, concedes, "There's no question that the officers in radio cars have the most dangerous, most stressful job on the force," but for a citizen who wants to talk to a cop, that horse is a great conversation starter even if the conversation starts, as Turner says it occasionally does, on so unpromising a note as "Is that a horse?"

Community policing aims at creating a perception of security. The more people believe the streets are safe, the more people will use them and the safer streets will become. One key to building this feeling of safety is to make police more visible.

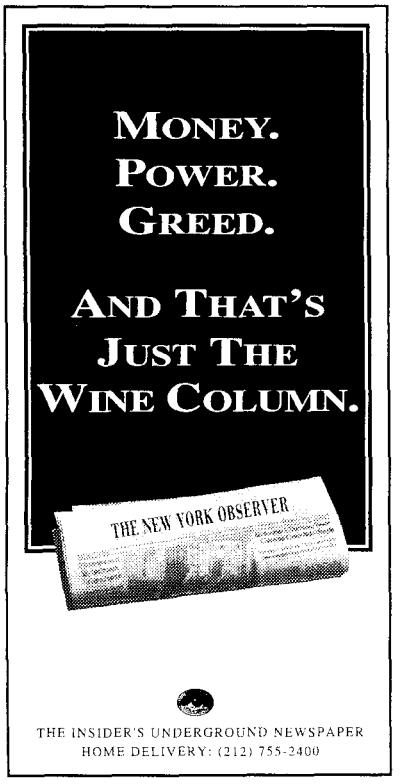
No cop is more visible than a mounted officer. One of their high-visibility techniques, called "omnipresence" or, more colloquially, "leapfrogging," was of particular value during the Democratic Convention last year. Mounted officers met the delegates at their hotel each morning. Then as the delegates headed for the Javits Center, a few officers trotted around the block and went on ahead to another vantage point. By the time the delegates passed them, the other cops had done the same thing—disappearing around a corner only to reappear at another corner further along the delegates' route. At no time were the delegates—who, remember, were not New Yorkers and must have had the typical out-of-towner's fears about the city—out of sight of the police. Five or six police officers created the impression of a mounted troop blanketing the delegates' route.

Not only can a mounted officer be seen for blocks, he can see for blocks. He can spot the average street crime while it is still developing: a pickpocket selecting his mark, a known burglar sizing up a storefront, an angry confrontation threatening to escalate into something more serious. And he can get to the crime in time to stop it. How many patrol cars can run up and down staircases, dodge through Shubert Alley in record time, or tear between lanes of traffic?

Their ability to perform in unusual places stood them in good stead in 1986 when the New York Mets won the World Series in seven games against the Boston Red Sox. The sixth game was a heartstopper, with the Mets coming back to win in the bottom of the ninth with two outs and two strikes already in the book. That drama of the sixth game all but guaranteed that the seventh game crowd would be even more feverish and perhaps even worse-behaved than the crowd that swarmed onto the field and tore up the turf at Shea after the Mets won the National League pennant less than two weeks before. The near-riot and the severe damage to the field not only wounded the city's image, it also cost a small fortune to repair. The turf still had not fully healed.

The Mets and the NYPD made it a top priority to ensure there would be no repeat of that incident. For game seven, the Mounted Unit was there in strength. During the game, most fans could see only the two mounted officers stationed near each dugout, high-stepping back and forth to make themselves as visible and intimidating, albeit also decorative, as possible. But the moment Boston made its last out in the 8-5 game, the great rear gates of the stadium between the bull pens swung open and dozens of mounted officers cantered onto the field, looking for all the world like their cavalry forbears mounting a charge under Sheridan or Custer. When the dust settled, the urban cavalry had formed an unbreachable, intimidating, and thrillingly beautiful V-shaped line from home plate to the left- and right-field foul poles. The whole thing was done in seconds. Not a single fan invaded the field.

It was a victory celebrated with style. McClellan would have been proud. ■



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ADAM P. GLICK

Out of the Ballpark

The highlight of my father's youth was the day Jackie Robinson said, "Hey, kid, want a ride home?" after a Dodgers game. Robinson didn't need to ask where my Dad lived because back then baseball, like all politics, was local. Dodger fans lived in Brooklyn.

Times, of course, were different. Games were played at ballparks (Fenway), grounds (Polo), or fields (Ebbets), not stadiums named after lawyers (Shea); the players lived locally, and the teams represented the aspirations of their hometown populations.

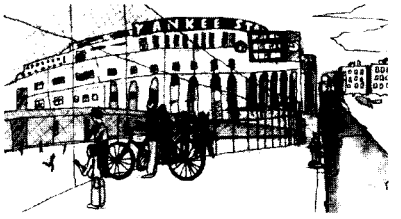
Although my Dad cried when the Dodgers left Brooklyn, he would later admit that the Dodgers left because Brooklyn had changed, and not the other way around. Baseball is a lagging, not a leading, indicator. Being in Brooklyn had ceased making economic sense years before the Dodgers' exit.

Some things never change. For a lesson in why the city's economy is in trouble, one need look no further than the recent controversy over whether the New York Yankees will a) renew their lease, b) move to a new $300 million stadium in New Jersey, or c) move to a new $500 million stadium in Manhattan.

What's amazing is that they've stayed this long. The Yankees are no different than any other business located in the city, and like other businesses, they have come to recognize that their focus is increasingly regional. Today's Yankee fan (or employee, or client) is as likely to come from Bayonne as from the Bronx, meaning the Yankees don't have to stay in New York. But instead of addressing the quality-of-life issues that are driving them, and all other business, out of the city, the city has resorted to bribing them to stay. The city's bribes usually take the form of tax exemptions. But the current situation is so bleak that the powers that be have been forced to offer to build an entirely new stadium.

What does it say about New York as a place of doing business that it takes almost twice as much money to build a stadium here as it does in New Jersey or somewhere else?

A lot.



It says that other areas don't have prevailing wage laws. For those who don't know, these laws make it illegal for a public project to let work to a contractor who pays less than the prevailing wage. "Circuitous," you're probably thinking. "Isn't any wage (over the legal minimum) the prevailing wage?" Well, er, no. In New York the prevailing wage is defined as the wage paid to union workers—i.e., the highest wage. Thus, all public projects pay $80 an hour for electricians. Add $75 million.

It says other areas don't have minority set-aside programs. New York City sets aside a specific number of contracts for minority-owned businesses. There are two obvious costs to this economic affirmative action. In the first place, lower the supply of anything, and the price goes up. Because there is less competition for certain construction contracts, minority contractors don't need to bid as competitively and can potentially take advantage of the city. In the second place, sometimes there simply aren't enough qualified minority contractors. Never mind. Here, too, the city has an answer. It simply gives preference to out-of-state minority contractors over local nonminority-owned businesses. Add $50 million.

It says other areas don't have a Wicks law. This is the law that mandates four different contractors for each major public construction project. The lack of single-source responsibility increases costs and hampers the city with countless lawsuits. Add $35 million.

It says that other areas haven't effectively empowered groups of nonprofessionals to deter the development process. Only New York gives synods of pseudo-experts, such as community boards, municipal art societies, and preservationists significant say in what gets built; and no other city in the country goes further out of its way to make sure that, should a private citizen object to the model of toilet used in a new office building, his objections will be taken seriously. Add $10 million.

It says that other cities don't spend 17 cents of every dollar of revenue to service their debt. Because of this, New York bonds are below investment grade, and the interest costs to build a new stadium would be much higher than elsewhere. The state's bonds are similarly low grade. Add $10 million.

Enough. It will be a shame if the Yankees leave. But it will be hard to cry for a city and state that push them, and everyone else who tries to earn a living, out. Sorry, Dad, I'll just have to become a Secaucus fan. ■

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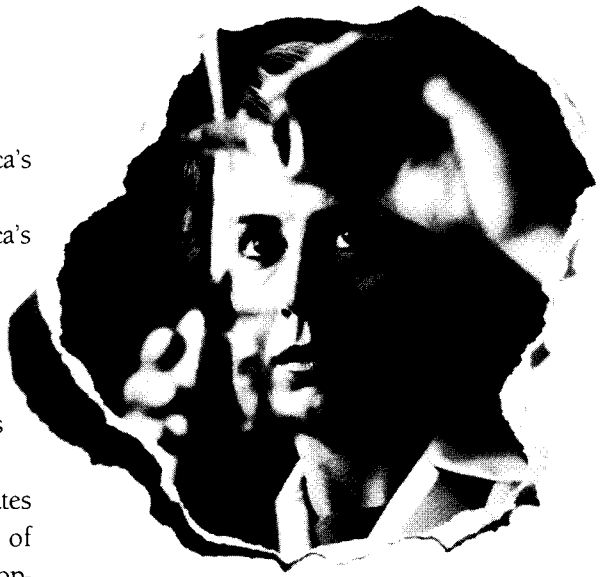

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